

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD  
WRIT PETITION NO. 10157 OF 2016**

1. Chandrakant s/o Bhujangrao Kore ... **Petitioners**  
Age 55 years, Occu: Agri.  
R/o Kumbhephal, Tq. Paranda  
Dist. Osmanabad

**VERSUS**

1. The State of Maharashtra,  
Through its Secretary,  
Revenue and Forest Department,  
Mantralaya, Mumbai 32
2. The Special Land Acquisition  
Officer, Bhoom, Dist. Osmanabad
3. The Sub Divisional Officer, ... **Respondents.**  
Bhoom Dist. Osmanabad
4. The Tahsildar, Tahsil Office,  
Paranda, Taluka Paranda Dist.  
Osmanabad

Mr. Pankaj A. Bharat, Advocate for Petitioner  
Mr. A. S. Shinde, AGP for Respondents State

**CORAM : R. M. BORDE &  
K. L. WADANE, JJ.**

**DATE : 20th April, 2017**

**JUDGMENT (Per R. M. Borde, J.):**

1. Rule. Rule made returnable forthwith.
2. With the consent of the parties, taken up for  
final disposal at the admission stage.
3. Land belonging to the petitioner out of Gat

No.82 to the extent of 80 R was proposed to be acquired for extension of Gaothan at Kumbhephal Tq. Paranda. Notification under Section 4 of the Land Acquisition Act, 1894 was published on 27.09.1990 and after observing the procedure prescribed under the Act, an award came to be passed on 14.12.1992. The petitioner challenged the acquisition proceeding by presenting Writ Petition No.167/1993. The High Court, initially, granted stay in respect of handing over of possession of the acquired land. Writ petition was however, dismissed on 21.10.2004. After dismissal of the writ petition, the respondents have neither taken possession of the acquired property nor have paid amount of compensation in favour of the petitioner. As such, in view of operation of Section 24(2) the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013, the acquisition proceedings shall be deemed to have lapsed and if at all the State Government needs to have property, fresh proceedings shall have to be initiated.

4. Affidavit in reply has been presented on behalf of respondent Nos. 1 to 3 by the Tahsildar, Pananda.

In the affidavit in reply, it has been stated that symbolic possession of the land was taken on 06.09.93 from the land over. However, the petitioner is stated to have encroached upon the said land and asserted the physical possession since 1993. It is also further stated that the land is not required for extension of the Gavthan by the State government. It is admitted that the amount of compensation has not been paid to the petitioner. In view of the fact that physical possession of the land is with the petitioner and that he has not been paid the amount of compensation determined under the Award declared in 1992, the proceedings in respect of acquisition shall be deemed to have lapsed, in view of provisions of section 24(2) of the Act, 2013. It is also stated on behalf of respondent Nos. 1 to 3 that the State Government does not need the land for extension of Gavthan.

5. Taking into consideration all these aspects, the award declared on 14.12.20192 deserves to be quashed and the same is accordingly quashed. It would however be open for the respondents to initiate fresh proceedings and acquire the property, if any need arises for such acquisition for any public purpose,

by taking recourse to provisions of the Act of 2013.

6. Rule is accordingly made absolute. There shall be no order as to costs.

(K. L. WADANE, J.)

(R. M. BORDE, J. )

JPC