

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**WRIT PETITION NO. 10421 OF 2015**

Murlidhar Devrao Ghorpade .. Petitioner  
V/s  
The District Collector, Solapur & Ors. .. Respondents

Mr. T.D. Deshmukh with Mr. Ritesh Kulkarni for the petitioner.  
Mr. A.P. Vanarse, AGP for respondent nos.1 to 4.

**CORAM: DR. MANJULA CHELLUR, CJ. &  
N.M. JAMDAR, J.**

**DATE : 14<sup>th</sup> JUNE 2017**

**P.C.:**

The petitioner is before this Court seeking re-initiation of land acquisition proceedings in terms of Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. On perusal of records, what we notice is that the right of the petitioner came to be used under the emergency clause for formation of road by Public Works Department. In terms of 1996 and 1998 notifications, 80% of the compensation amount is also paid. Unfortunately, no award is made till date in respect of the land of the petitioner. By virtue of Section 11A of the Land Acquisition Act, 1894, the award has to be passed within two years from the

date of the notification under Section 6 of the 1894 Act. As on 1<sup>st</sup> January 2014, for not passing an award within two years from the date of final notification under Section 6 of the 1894 Act, the land acquisition proceedings lapse.

3. In the present case, we are faced with a peculiar situation. The entire portion of the land intended to be acquired was made use of for formation of the road, therefore the petitioner will not be getting any benefit if a direction were to be issued to the effect that the land should be handed over back to the petitioner which is impossible in the present situation. The only direction that could be granted is to initiate proceedings afresh and complete the acquisition proceedings within a period of six months from today. The advance amount, if any paid, has to be deducted from the compensation now to be determined by the Special Land Acquisition Officer.

4. In the above terms, the writ petition is disposed of.

**(N.M. JAMDAR, J.)**

**CHIEF JUSTICE**