

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Review Petition No. 58 OF 2017

IN

Writ Petition No. 6285 OF 2014

Shri. Tatu Kondiba Patil And Ors.

...Petitioners

Versus

Shri. Anandrao Khanderao Gaikwad And Ors.

...Respondents

*Mr.Rajiv Patil, Senior Advocate with Mr.Vishal Kolekar, for the Petitioners.**Ms.Sonal Dabholkar i/b. Mr.Suresh Sabrad, for the Original Petitioner.**Mr.PG.Sawant, AGP for the State.*

.....
CORAM : **DR. MANJULA CHELLUR, C. J., &**
G.S.KULKARNI, J.

DATE : **APRIL 17, 2017**

PC.:-

1. Heard the learned Counsel for the petitioners. The Review Petition is filed contending that though the intervention application was pending, the rights of the interveners were not considered. In the main Writ Petition while disposing of the Writ Petition on 23 February 2017, we have not touched upon the rights of the interveners to whom the land in question is said to have been allotted as per the contention of the interveners. So far as the possession is concerned, according to the interveners, the possession is handed over to him but the land loser who is the original petitioner who approached this Court seeking reliefs in terms

of sub-section (2) of Section 24 of the 2013 Act contended that in spite of the Award in the year 1982, he continued to be in possession of the land. Be that as it may, the fact remains that no compensation is paid and it is not denied by the respondent-authorities that is the Special Land Acquisition Officer.

2. In that view of the matter, non payment of compensation as on 1/1/2014 in spite of the Award in the year 1982, automatically the consequence contemplated in sub-section (2) of Section 24 of the 2013 Act comes into play. In that view of the matter, if at all the interveners have acquired any vested rights in the property in question, their remedy lies somewhere else and not before this Court, that too in a review petition.

3. Accordingly, the Review Petition is disposed of.

(G.S.KULKARNI, J.)

(CHIEF JUSTICE)