

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3011 OF 2015

Shri Suresh Dnyanoba GaikawadPetitioner
versus
The Collector, Kolhapur and ors.Respondents

Mr. U. B. Nighot, advocate for the petitioner.
Mrs. M. P. Thakur, AGP for the State.
Mr. P. D. Dalvi, advocate for the respondent Nos. 6 to 10.

**CORAM : RANJIT MORE &
SMT.ANUJA PRABHUDESSAI, JJ.**

DATE : 20th DECEMBER, 2017.

P. C. :

Heard Mr. Nighot, learned counsel for the petitioner, Mr. Dalvi, learned counsel for the respondent Nos. 6 to 10 and Ms.Thakur, learned AGP for the State.

2. The petition is filed for declaration that the acquisition proceeding of the land admeasuring 2H 2R from gat No.277 situated at Village-Khebawade, Taluka-Karvir, District-Kolhapur has lapsed under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short "the said Act").

3. There is no dispute that the land is acquired in the year 1989 by passing an award. There is also no dispute that the petitioner has received the amount of compensation in respect of the acquisition of the

subject land. The present petition is filed alleging that the physical possession of the said land is with the petitioner. The petitioner, in this regard, relied upon the respondent Nos.6 to 10's letter dated 21st January, 2015 to the District Resettlement Officer. The letter merely shows that the respondent Nos.6 to 10 has not received the possession of the subject land. What is required to be shown under Section 24(2) of the said Act is, whether the petitioner has lost possession and the same is taken by the Land Acquisition Officer. One Dr. Sampat Kondaji Khilari, Deputy Collector (Land Acquisition No.12) has filed an affidavit-in-reply dated 21st March, 2017. In paragraphs 4 and 6, he has specifically made averment that the possession of the subject land is taken from the petitioner on 15th January, 1990 and the mutation entry is effected. In support of his contention, he has annexed to the affidavit, a copy of the possession receipt and panchanama. This document shows that the possession of the subject land is already taken by the Land Acquisition Officer.

4. In the light of the above, Section 24(2) of the said Act has no application to the facts of the present case. The petition is without any merit and the same is, accordingly, dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)

[RANJIT MORE, J.]