

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION NO. 139 OF 2017
IN
WRIT PETITION NO. 9734 OF 2014

Mrs. Gangesh Kumari Kak	.. Petitioner
V/s	
State of Maharashtra & Ors.	.. Respondents

Mr. Anirban Tripathy for the petitioner.
Mrs. M.P. Thakur, AGP for the State.
Mr. Vijay Patil for respondent no.2.

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

DATE : 4th DECEMBER 2017

P.C.:

Heard learned counsel for the review petitioner, learned Government Advocate as well as Mr. Patil appearing for respondent no.2 – MSRDC.

2. Apparently, pertaining to rejection of an application under Section 48 of the Land Acquisition Act, 1894, the review petitioner had come up in a writ petition on earlier occasion which came to be dismissed solely on the ground that possession of the property was already taken over in terms of Section 16 of the 1894 Act. Now subsequent to disposal of the said writ petition, claiming

benefit under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the petitioner is before this Court. He claims possession as only a paper possession. On the other hand, the affidavit of the State as well as the beneficiary clearly indicate that possession is taken over and handed over to respondent no.2 – MSRDC. In that view of the matter, the only recourse open to the petitioner is in terms of observations of the Apex Court in the case of *Antevorta Developers Private Limited vs. The Principal Secretary to the Government of Maharashtra – Civil Appeal No. 8593 of 2017*, to re-initiate the acquisition proceedings by the State since the land acquisition proceedings have lapsed in terms of sub-section (2) of Section 24 of the 2013 Act for not paying the compensation amount.

3. In that view of the matter, by way of review we cannot assist the petitioner in any manner. Therefore, the review petition is dismissed. The State shall complete the process of acquisition within one year.

(G.S. KULKARNI, J.)

CHIEF JUSTICE