

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****WRIT PETITION NO.10706 OF 2015**

Smt. Tarabai Laxman Bhondwe.] ... Petitioner

Versus

State of Maharashtra & Ors.] ... Respondents

Mr. P. B. Shah i/b Mr. Kayval Shah for Petitioners.

Mr. N. P. Deshpande, Addl.G.P. for State.

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

DATE :- JANUARY 23, 2017

P. C. :-

1. The petitioner is the owner of land bearing No.31/8 B admeasuring 0H.57R. This land was subject-matter of acquisition in the year 1989. A notice under Section 4 of the Land Acquisition Act, 1894 ('the Act') dated 25 September 1989 came to be published in the Maharashtra Government Gazette dated 12 October 1989. The amendment to the aforesaid notification under Section 4 (1) of the Act came to be issued on 21 March 1990 which was published in Government Gazette dated 5 April 1990. A notification under Section 6 (1) of the Act came to be issued on 27/10/1990 and the Award came to be passed on 31 October 1992.

2. The case of the petitioner is that despite the Award having been passed in 1992, the amount of compensation so far is not received and / or paid to the petitioner. The contention is that in view of Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, which came into force on 1 January 2014, the acquisition would lapse in view of non-payment of compensation.

3. In spite of the matter coming up for 7 times, till date, affidavit-in-reply is not filed denying the allegations of non-payment of compensation towards the acquisition of land. We are, therefore, required to consider the averments and contentions of the petitioner to have been admitted by the respondents and accept that the compensation is not paid.

4. In the light of the above clear position, we do not have any hesitation but to allow this Writ Petition.

5. Accordingly, the Writ Petition is allowed in terms of prayer clause (a) which reads thus :-

“(a) That this Hon'ble Court may be pleased to declare that the acquisition proceedings pursuant to the Award bearing LAQ-SR-14-84, Pune dated 20.11.1988 as passed by the Special Land Acquisition Officer No.12, Pune have lapsed in view of the provisions of Section 24(2) The Right to Fair Compensation and

Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.”

6. There shall be no order as to costs.

(G. S. KULKARNI, J.)

(CHIEF JUSTICE)