

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10557 OF 2015

Smt. Chaturabai alias Jadawben Bhikalal Gujar
Since deceased through LRs. Santosh
Chandrakant Patwa .. Petitioner
V/s
The Divisional Commissioner, Pune & Ors. .. Respondents

Mr. Manoj Patil i/b Ms. Suman Y. Lengare for the petitioner.
Mr. P.G. Sawant, AGP for the State.

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

DATE : 14th JUNE 2017

P.C.:

Apparently the land of the petitioner in respect of Gat No.95/1, 95/2, 95/3 and 95/4 in all admeasuring 1 Hectare 81 Ares came to be acquired for the purpose of Kalmodi Project. By virtue of Sections 4(1) and 6(1) notifications, though the land acquisition came to be initiated and award came to be passed under Section 11A of the Land Acquisition Act, 1894, till date the compensation amount seems to be in the account of the Land Acquisition Officer, i.e. Permanent Ledger Account.

2. In terms of the condition contemplated under sub-section (2) of Section 24 of the Right to Fair Compensation and

Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, i.e. non-payment of compensation as on 1st January 2014 when the new Act of 2013 came into force, the acquisition proceedings get lapsed. In the present case, since the land is already made use of and the land in question is submerged under water on account of implementation of the project, the land cannot be factually handed over back to the petitioner. The only option available is to initiate fresh acquisition proceedings and obtain an award and pay the compensation to the petitioner. The entire process has to be completed within six months from today.

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

(N.M. JAMDAR, J.)

CHIEF JUSTICE