

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1701 OF 2016
IN
LAR NO.6 OF 2003

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.Prashant A. Karande for the claimant nos.1(a), 1(b) and 2(a)

Mr.V.M. Vaghlela for the claimant nos.3 to 13, 14, 15 to 19

Mr.Rajiv Mane, A.G.P. for the State

CORAM : K. K. TATED, J.

DATE : JANUARY 20, 2017

P.C.:

1 Heard the learned counsel for the parties.

2 No one appeared on behalf of Land Acquisition Officer from the office of the Government Pleader Original Side. This is happening in several matters before this court on behalf of Government.

3 This Notice of Motion is preferred by claimant no.1(a), 1(b) and 2(a) under section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for declaration that acquisition have been lapsed and direct the acquiring body to initiate proceedings under Land

Acquisition Act afresh in accordance with the provisions of the said Act.

4 The learned counsel for the claimants submits that in the present proceedings, Special Land Acquisition Officer passed award on 22.12.2000 and awarded compensation. He submits that till today, the applicants claimants have not received the compensation except Rs.9,06,000/- as per the order passed by this court in Notice of Motion No.2613 of 2005 on 24.10.2005. He submits that as per section 24 of the said Act, where an award under the Section 11 of the Old Act has been made five years or more prior to the commencement of the New Act but the physical possession of the land has not been taken or the compensation has not been paid the said proceedings shall be deemed to have lapsed and the appropriate Government, if it so chooses, shall initiate the proceedings of such land acquisition afresh in accordance with the provisions of the New Act.

5 Heard the learned counsel for the applicant.

6 It is to be noted that in the present proceedings, the Special Land Acquisition Officer passed award on 22.12.2000. Thereafter, because of dispute between the claimants he preferred reference under section 30 of the Land Acquisition Act dated 4.6.2003. At the time of filing reference under section 30 of the said Act, land acquisition officer deposited a sum of Rs.44,18,775/- in the

Registry on 31.7.2003. This itself shows that Land Acquisition Officer deposited entire amount awarded by him in favour of claimants before this court for distribution between the claimants as per their share. Bare reading of section 24 of the said Act shows that if amount is not paid within 5 years prior to the commencement of the Act then only acquisition proceeding can be declared as lapsed. This is not the case in the present proceeding. Special Land Acquisition Officer deposited the amount in the Registry of this court for and on behalf of the claimants because of dispute between the claimants. Amount is lying with the Registry. Hence, I do not find any substance in the present Notice of Motion.

7 Notice of Motion stands dismissed with cost.

8 After the matter is over, the learned A.G.P. appeared and stated that he is appearing for the State. His appearance is recorded.

JUDGE