

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11692 OF 2017

Ladu Shah Gulab Shah	.. <u>Petitioner</u>
Versus	
The State of Maharashtra and others	.. <u>Respondents</u>

WITH

WRIT PETITION NO. 11693 OF 2017

Sandu Shah Gulab Shah (Deceased) LRS	
Lala Shah Snadu Shah and others	.. <u>Petitioners</u>
Versus	
The State of Maharashtra and others	.. <u>Respondents</u>

Shri Dnyaneshwar B. Gaikwad, Advocate for the Petitioner.
Shri A. V. Deshmukh, A.G.P. for Respondent Nos. 1 to 3.
Respondent No. 4 served.

CORAM : **S. V. GANGAPURWALA &**
A. M. DHAVAL, JJ.

DATE : **1st February, 2018**

PER COURT :

1. The learned advocate for the petitioners in both these petitions submits that the possession of the petitioners land has been taken by the respondents almost 15 years back. The notification under Section 4 of the Land Acquisition Act, 1894 was issued on 1.1.2004. No declaration under Section 6 of the

Land Acquisition Act, 1894 was issued and directly notice under Section 9 of the Land Acquisition Act, 1894 was issued on 20.12.2005. As yet award has not been passed. The acquisition stands lapsed.

2. Learned A.G.P., on instructions, submits that award is not yet passed and the directions are given to the acquiring body to submit the fresh proposal if the land is to be acquired.

3. Admittedly, award is not yet passed though the notice under Section 4 of the Land Acquisition Act, 1894 was issued in the year 2004. The said proceeding would stand lapsed. The possession of the petitioners land is also taken.

4. In case, the respondents require the land of the petitioners, then they should initiate the acquisition proceedings within a period of three (3) months from today in accordance with The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and shall complete the acquisition proceedings within the period stipulated under the Act and if the respondents do not require the land then they may return the possession of the land to the petitioners.

5. The writ petitions are accordingly disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]