

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.**

WRIT PETITION NO. 13959 OF 2017

Bhikkan Sardar Tadv

... Petitioner

VERSUS

The State of Maharashtra & Ors.

... Respondents

.....
Mr D. B. Gaikwad, Advocate for the petitioner
Mr A. V. Deshmukh, AGP for respondent/State
.....

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

DATE : 13TH FEBRUARY, 2018.

ORDER:

1. The learned advocate for the petitioner submits that the possession of the petitioner's 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 Asst. Government Pleader, 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 petitioner, 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 petitioner.

5. The writ petition is, accordingly, disposed of. No costs.

[A. M. DHAVAL]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde