

Amk

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5306 OF 2016

Haribhau Krishnarao Kadam .. Petitioner
Vs.
The State of Maharashtra & Ors. .. Respondents

Mr. Siddharth R. Kapre for the Petitioner.
Ms. M. S. Srivastava, AGP for the Respondent-State.

CORAM : A. A. SAYED AND K. K. SONAWANE, JJ.
DATE : 10th OCTOBER, 2018.

P. C.

1. Prayers in the Petition are as follows:

“(a) call for the relevant records and proceeding from the office of the Respondent Authorities and after going into the legality of the same, to hold and declare that the acquisition process is lapsed in respect of the Petitioner's entire land in question;
(b) Quash and set aside the impugned letter/Order dated 27.10.2015 issued by the Respondent No.3 at Exhibit B;
(c) direct the Respondents not to take forceful possession and/or transfer/allot the Petitioner's land in question until land in question is acquired under the new acquisition law.”

2. An Affidavit-in-Reply has been filed by the Deputy Collector, Land Acquisition-4, Satara wherein in paragraphs 8 and 9 it has been stated as follows:

“(8) I say that, I informed the acquiring body i.e. District Resettlement Officer Satara to send was new proposal as per the New Land Acquisition Act 2013 but till today the proposal is not

sent by the acquiring body to this office.

9) I say that, proposal of the acquisition of the Petitioner land bearing Old Gat No. 1151 and New Gat No. 800 admeasuring 1 H. 73 R is lapsed under the provision of the Land Acquisition Act 1894. Petitioners land will be acquired as per the New Land Acquisition Act 2013 and as per the new measurement plan.”

It is thus an admitted position that the earlier proposal for acquisition has lapsed.

3. Learned AGP states that new proposal shall be submitted by the Acquiring Body i.e. District Settlement Officer, Satara as per new Act viz. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 within two months from today and that the notification under Section 11 under the said Act of 2013 shall be issued within a period of four months thereafter and the entire process of acquisition shall be carried out in accordance with law expeditiously.

4. Accepting the statement made in the aforesaid Affidavit and the statements of the learned AGP, we dispose of the Petition.

5. Needless to say that in view of what is recorded above, the impugned communication/letter dated 27.10.2015 shall not be acted upon.

6. The Petition to stand disposed of accordingly.

[K. K. SONAWANE, J.]

[A. A. SAYED, J.]