

WRIT PETITION NO.14063 OF 2016

$$v/s$$

1. Heard learned counsel for the parties.
2. By this Writ Petition under Article 226 of the Constitution of India, the Petitioners are seeking direction from this Court to hold and declare that the acquisition proceedings in respect of the Petitioners' land admeasuring 0.82 R out of Gat No.436 situated at Village Ispurli, Taluka-Karveer, District Kolhapur is deemed to have been lapsed in view of Section 24(2) of the Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Hereinafter referred to as "the said Act"). It is the case of the Petitioners that though the order dated 6th June, 1988 is passed by

the Land Acquisition Officer, till today neither they paid compensation nor possession was taken by them. Hence Section 24(2) of the said Act is applicable.

3. On the other hand, the learned AGP appearing on behalf of the Respondent State filed their affidavit in reply and placed on record the receipts showing that the payment was already made to the Writ Petitioners on 29th February 1992 itself. This fact was stated by them in their affidavit in reply dated 14th June 2018. Not only that, it is specifically stated that possession was taken by them and handed over to the Respondent No.6.

4. The Respondent No.6 also filed his affidavit in reply dated 26th February 2018 stating that as on today, the Respondent No.6 is in possession of the suit land.

5. It is to be noted that Section 24(2) of the said Act is applicable only when the possession is not taken from the owner as to the Award and/or payment of compensation is not made. But in the case in hand, it is crystal clear from the affidavit in reply filed by the Respondent State that possession of the suit land was taken by them and allotted to the Respondent No.6 who, as on today, is in possession of the suit land and also the payment was made to the Writ Petitioners in the year 1992 itself. Hence we do not find any substance in the present Writ Petition and the same stands dismissed.

6. At this stage, the learned counsel Mr.Surel S. Shah appearing for the Petitioners seeks to continue ad-interim relief granted

by this Court earlier.

7. In view of the affidavit in reply filed by the Respondent No.6, we do not find any reason to continue the same. Hence the oral request is rejected.

(B.P. COLABAWALLA, J.)

(K.K. TATED, J.)