

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION st. NO. 34014 OF 2017

Suresh Bhiku Chavan and Others.

..Petitioners.

Versus

State of Maharashtra & Others.

..Respondents.

Mr. K. U. Patil for the Petitioner.

Mr. V. S. Gokhale, B panel counsel for the Respondent-State.

Coram : Ranjit More &
Smt. S. S. Jadhav, JJ.

Date : **February 26, 2018.**

P. C. :

1. Heard the learned Counsel for the Petitioner and the learned AGP for the Respondent-State. By this petition filed under Article 226 of the Constitution of India, the Petitioner is seeking declaration that acquisition proceedings in respect of the subject land, namely, Gat No. 387 of village Indoli, taluka Karad, district Satara have lapsed by virtue of provisions of section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. Admittedly, the said land was acquired by passing an award dated 29th November 2001 and the compensation in respect of the said land was deposited in the treasury on 15th January 2016. The claim of the government is that possession of the said land was taken on 2nd December 2017 by executing Kabjepatti. This claim of the Respondent-State is disputed by the Petitioner by filing rejoinder contending that only paper possession is taken and he is in physical possession of the said land. Even if Government's contention is

accepted that possession is taken on 2nd December 2017, the same is after coming into force of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. In terms of provisions of section 24(2) of the said Act, therefore, acquisition proceedings in respect of the Petitioner's land have lapsed. In that view of the matter, acquisition proceedings in respect of the subject land are quashed and set aside. Petition is made absolute in terms of prayer clause (a).

[Smt. S. S. JADHAV, J.]

[RANJIT MORE, J.]