

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4497 OF 2018

Shri Maruti Mahadeo Sawant
V/S
The State of Maharashtra & Ors.
Mr. N.J. Patil i/b Mr. Amey N. Patil for the Petitioner.
Ms. N.C. Walimbe, AGP for Respondent Nos.1 to 5/State.

**CORAM : A.A. SAYED &
SANDEEP K. SHINDE, JJ.**
DATE : 16 OCTOBER 2018

ORDER:

1 The Petition is filed by the Petitioner impugning the Award dated 25 March 2003 passed by the Special Land Acquisition Officer No.4, Satara interalia on the ground that the impugned Award is passed beyond the period of two years from the date of the publication of the Notification under section 6 of the Land Acquisition Act, 1894. The impugned Award has been passed as far back as on 25 March 2003 and the present Petition is filed only in January 2018. On this count alone the Petition is liable to be dismissed.

2 The contention of the learned Counsel for the Petitioner that the
possession is still with the Petitioner cannot be accepted. It is noted that the

signature of the Petitioner appears on the possession receipt (at page 42 of the Petition). The alleged possession of the subject lands of the Petitioner thereafter, can only be said to be unlawful possession. Exhibit 2 of the Affidavit-in-Reply filed by the Special Land Acquisition Officer No.4, Satara, is a Receipt which shows the amount of compensation was received by the Petitioner by cheque. In the circumstances, there is no question of lapsing of acquisition under section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, as sought to be suggested inasmuch as possession of the subject lands have already been taken and the compensation amount also received by the Petitioner. Moreover, as stated in the Affidavit-in-Reply, subject lands have already been allotted to third parties.

3 In light of the above, there is no merit in the Writ Petition. The Writ Petition is dismissed. No costs.

(SANDEEP K. SHINDE, J.)

(A.A. SAYED, J.)

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