

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.11813 OF 2013

Pandurang Kisan Nhavi (Pande) &
Ors.

...Petitioners

Versus

The State of Maharashtra & Ors.

...Respondents

.....

Mr. M.J. Jamdar for the Petitioners.

Mr. P.G. Sawant, AGP for the Respondent-State.

Mr. R.S. Pachundkar for the Respondent No.9.

**CORAM : RANJIT MORE AND
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED: 13th FEBRUARY, 2018.

P.C.:-

Heard Mr. Jamdar, the learned counsel for the Petitioner,
Mr. Pachundkar, the learned counsel for the Respondent No.9 and Mr.
Sawant, the learned AGP for the Respondent -State.

2. The Petition is filed invoking the jurisdiction of this Court under Article 226 of the Constitution of India claiming declaration that acquisition of the subject land is lapsed by virtue of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The learned counsel for the Petitioners does not dispute that the compensation of the subject

land is received by the Petitioners' father. He submits that the Petitioners lost possession thereof in the year 2015.

3. On behalf of the State, affidavits have been filed by Mr. Ravindra Ganesh Kulkarni, Deputy Collector (Rehabilitation), Pune and Shama Sushilkumar Pawar, Deputy Collector (Land Acquisition No.22), Collector Office, Pune. The affidavits disclosed that subject land was acquired from the Petitioners' father by passing an award in 1989. The possession of the same was voluntarily given by the Petitioners' father to the Respondent Resettlement Authority and same is allotted to the Project Affected Person in the year 1993 itself. Kabjepatti is also effected in the year 1989 on which Petitioners' father has put in his signature indicating possession of the subject land was handed over to the Resettlement Authority. The affidavits further disclose that the Petitioners' father had accepted the compensation on 31.3.1989.

4. Mr. Jamdar, lastly makes an attempt to point out that out of total holdings of the Petitioners' father land admeasuring 2 acres 36 R was ancestral land and was wrongly included in his holdings. We are not inclined to accept this submission at this belated stage.

5. In the light of above, we find no merits in the Petition. The Petition is accordingly dismissed.

6. As regards the Petitioners' grievance against the Respondent No.9 that he got allotment twice and that he has been allotted land more than his eligibility, is concerned we make it clear that we have not gone into the merits of the same and the Petitioners are at liberty to apply to the appropriate authority for the same.

(SMT. ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)