

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

WRIT PETITION NO.12780 OF 2017

Jotiram Dnyanu Hogale

.. Petitioner

Vs.

The Collector, Sangli & Ors.

.. Respondents

.....
Mr.U.B. Nighot, Advocate for the Petitioner.
Mrs.M.P. Thakur, AGP for Respondent - State.
.....

**CORAM : RANJIT MORE AND
PRAKASH D. NAIK, JJ.**

DATED : FEBRUARY 1, 2018.

P.C. :

Heard Mr.Nighot, learned counsel for the petitioner
and Mrs.Thakur, learned AGP for Respondent - State.

2 By this petition, petitioner seeks declaration that the acquisition of the subject land is lapsed by virtue of the provisions of Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as "the New Act", for the sake of brevity). The petitioner is also challenging the order under Section 48 of the Land Acquisition Act.

3 We have considered the rival submissions of the respective counsel. We have also gone through the petition along with annexures thereto and the affidavit-in-reply filed by the land acquisition officer and resettlement officer. The record reveals that the Award under the Section 11 of the old Land Acquisition Act to acquire petitioner's land was made on 4th October, 2002. Notice under Section 12(2) was given to the petitioner on 5th December, 2006. The possession of the subject land was also taken from the petitioner by executing Kabje Pavti dated 27th December, 2007. Petitioner has accepted the amount of compensation i.e. Rs.10,97,758/- on 14th December, 2012, by cheque.

4 In the above said facts, in our considered view, Section 24(2) of the New Act has no application to the present facts and circumstances. Petitioner's application under Section 48 of the old Act is also rightly rejected as Award was passed and possession of the subject land was already taken from the petitioner.

5 Taking totality of the facts and circumstances, we find no merits in the petition, the same is, accordingly, dismissed.

(PRAKASH D. NAIK, J.)

(RANJIT MORE, J.)