

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

WRIT PETITION NO.8674 OF 2017

Subhash R. Patil

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

.....

Mr. Madhav J. Jamdar for the Petitioner.

Mrs. M.P. Thakur, AGP for the Respondent-State.

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

DATED: 7th FEBRUARY, 2018.

P.C.:-

Heard Mr. Jamdar, the learned counsel for the Petitioner and Mrs. M.P. Thakur, learned AGP for the Respondent-State.

2. By this Petition, the Petitioner seeks declaration that acquisition proceedings in respect of the Petitioner's land at Survey No.4, Hissa No.2 of village Wadgaon-Sheri, Taluka-Haveli, District-Pune, which 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.

3. We have considered the submissions of Mr. Jamdar, the

learned counsel for the Petitioner. We have also perused the provisions under Section 24(2) of the new Land Acquisition Act. The acquisition proceedings will lapse if the award had been made five years or more prior to the commencement of this Act and either possession of the land in question is not taken by the Government or compensation is not paid to the owner of the land.

4. In the present case, the Petitioner states that the award is declared on 5.2.1998. The Petitioner does not dispute that he has lost possession of the said land on 5.3.1998. The affidavit filed by Krupalsingh, Bharatsingh Gaherwar, I/c. Special Land Acquisition Officer No.15, Pune shows that compensation of the land in question belonging to the Petitioner is already deposited in the Civil Court. This statement made in the affidavit is not disputed by the learned counsel for the Petitioner.

5. In the light of above, in our considered view section 24(2) of the new Land Acquisition Act has no application to the present case. The Petition is devoid of any merits and the same is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)