

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4609 OF 2017**

Sanjay Kantilal Sancheti .. Petitioner
Versus
The State of Maharashtra & ors .. Respondents

...

Mr. S.V.Sadavarte for the petitioner.
Ms. Nisha Mehra, AGP for respondent nos.1 to 6.

**CORAM: PRADEEP NANDRAJOG, C.J.
AND BHARATI DANGRE, J.**

DATED : 7th NOVEMBER, 2019

P.C:-

1 Heard learned counsel for the parties.

2 The petitioner owns 1 Hectare 29R land comprised in Gat No.259 in village Fulgaon, Taluka Haveli, District Pune.

3 A notification under Section 4 of the Land Acquisition Act, 1894 was issued on 17th April 1998 followed by declaration under Section 6 of the said Act on 9th September 1999. Proceedings under Section 9 were initiated and an award was published on 29th September 2001. It is claimed in the

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petition that the Government did not release the funds for compensation to be paid and therefore, neither possession of the land was taken over nor compensation paid. It is pleaded that in the record of rights the land was recorded as under acquisition for a Government project and sale thereof be prohibited. It is pleaded that since no compensation was released by the Government to be paid to the affected persons including the petitioner and possession was not taken over, on 1st August 2015 a Government order was issued directing that entries in the revenue record prohibiting sale of land to be removed but after permission from the State Government.

4 The petitioner seeks a direction to be issued to quash Condition No.3 in the Government Resolution dated 1st August 2015 which directs that correction in the revenue record should be made with the permission of the State Government.

5 In the reply filed, it is admitted that an award was published requiring the State Government to transfer ₹34,19,190/- and that inspite of a demand to said effect raised to the Collector, Pune on 29th September 2001 by the Sub-Divisional Officer, the payment towards compensation was not received. It is pleaded that the Government Resolution in question was issued on said account because the possession of the land was not taken over and compensation not paid.

6 Thus, we dispose of the Writ Petition declaring that the petitioner's land is free from acquisition and the restriction recorded regarding transfer in the revenue record be withdrawn under authorizing from the State Government is quashed, meaning thereby the land of the petitioner is free to be sold.

7 We quash Condition No.3 in the Government Resolution dated 1st August 2015.

8 No costs.

SMT. BHARATI DANGRE, J

CHIEF JUSTICE