

30.05.2004. The Petitioners claim that the agricultural lands belonging to them are situate in the benefited zone of Bhama Askhed Dam and as such, the proceeding for acquisition came to be initiated and the award has been declared. The Petitioners contend that though the award has been passed by the Land Acquisition Officer in the year 2004, neither the amount of compensation determined under the award has been paid nor the possession of the subject land has been taken over by the State or the acquiring body. The Petitioners therefore, contends that in view of provisions of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 the proceedings for acquisition shall be deemed to have lapsed. Sub-Section 2 of Section 24 provides that notwithstanding anything contained in Sub-Section (1) in case of land acquisition proceedings initiated under the Land Acquisition Act, 1894, where an award under Section 11 has been made five years or more prior to the commencement of this Act (i.e. Act of 2013) but the physical possession of the land has not been taken or the compensation has not been paid. The said proceedings shall be deemed to have lapsed and the appropriate Government, if it so chooses, shall initiate the proceedings of such land acquisition afresh in accordance

with the provisions of this Act. It is not a matter of dispute that the land acquisition award has been declared five years or more prior to the commencement of the Act of 2013. The Act of 2013 has been enforced since 01.01.2014 and the land acquisition award in the instant matter has been declared in the year 2004 i.e. almost about ten years prior to enforcement of the Act of 2013. It is not a matter of dispute that the physical possession of the land remained with the Petitioners and that they have not been paid the amount of compensation. In such circumstances, the consequences as provided under Sub-section 2 of Section 24 shall follow and the acquisition proceeding in respect of the land belonging to the Petitioners shall be deemed to have lapsed and the appropriate Government, if it so chooses, shall initiate the proceedings of such land acquisition afresh in accordance with the provisions of the Act of 2013. It is thus accordingly directed.

3 Rule is made absolute to the extent as specified above. There shall be no order as to costs.

(V.L. ACHLIYA, J.)

(R.M. BORDE, J.)