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

WRIT PETITION NO. 1494 OF 2019

Raghunath Keshav Varpe
(since deceased) through legal heirs & Ors. .. Petitioners
Vs.
The State of Maharashtra & Ors. .. Respondents

**WITH
WRIT PETITION NO. 1495 OF 2019**

Mahadu Rambhau Lokhande .. Petitioner
Vs.
The State of Maharashtra & Ors. .. Respondents

**WITH
WRIT PETITION NO. 1497 OF 2019**

Baban Shankar Lokhande
(since deceased) through legal heirs .. Petitioners
Vs.
The State of Maharashtra & Ors. .. Respondents

**WITH
WRIT PETITION NO. 1722 OF 2019
WITH
WRIT PETITION NO. 1724 OF 2019**

Savkar Baburao Lokhande
(since deceased) through legal heirs .. Petitioners
Vs.
The State of Maharashtra & Ors. .. Respondents

**WITH
WRIT PETITION NO. 1723 OF 2019**

Parshuram Sambhaji Lokhande
(since deceased) through legal heirs .. Petitioners
Vs.
The State of Maharashtra & Ors. .. Respondents

**WITH
WRIT PETITION NO. 1493 OF 2019**

Bapu Shankar Pachpute
(since deceased) through legal heirs

.. Petitioners

Vs.

The State of Maharashtra & Ors.

.. Respondents

Mr. S. H. Deokar for the Petitioners.

Mr. R. S. Pawar, AGP for the Respondent-State.

CORAM : R. M. BORDE & V. L. ACHLIYA, JJ.

DATE : 6th FEBRUARY, 2019.

ORAL JUDGMENT (Per R. M. Borde, J.)

1. Heard. Rule. With the consent of the parties the Petitions are taken up for final hearing at the admission stage.

2. The Petitioners are the agriculturists and their landed property is a subject matter of acquisition and an award in that regard is stated to have been declared by the Land Acquisition Officer on 30.05.2004. The Petitioners claim that the agricultural lands belonging to them are situated 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.]