

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

WRIT PETITION NO. 1266 OF 2018

Vijay Raghunath Ghumatkar & Ors. ... Petitioners
V/s.
The State of Maharashtra
through Addl. Chief Secretary,
Revenue & Forest Department & Ors. ... Respondents

**WITH
WRIT PETITION NO. 1331 OF 2018**

Yuvraj Harku Choudhari & Ors. ... Petitioners
V/s.
The State of Maharashtra
through Addl. Chief Secretary,
Revenue & Forest Department & Ors. ... Respondents

**WITH
WRIT PETITION NO. 1349 OF 2018**

Kaluram Maruti Kaldoke & Ors. ... Petitioners
V/s.
The State of Maharashtra
through Addl. Chief Secretary,
Revenue & Forest Department & Ors. ... Respondents

Mr. Balwant Salunkhe for the Petitioners.
Ms. P.N Diwan, A.G.P. for the Respondent Nos.1 to 4-State.

**CORAM : R.M. BORDE AND V.L. ACHLIYA, JJ.
DATE : 18th JANUARY 2019.**

ORAL JUDGMENT : (Per : R.M. BORDE, J.)

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

2 The facts giving rise to these Petitions are identical in all respects as regards the facts giving rise to Writ Petition No.1370 of 2018. Instant Petition, therefore, can be conveniently disposed of in terms of the order passed in the aforesaid Writ Petition. It is contended by the Petitioners that though the award has been declared on 31.12.2003, neither the amount of compensation has been paid nor the possession of the acquired area has been taken. These contentions have not been controverted by the Respondents. In identical facts and circumstances, while dealing with Writ Petition No.1370 of 2018, this Court while allowing the Writ Petition is directed lapsing of the acquisition proceeding in view of provision of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, and further made it clear that it would be open for the State to take steps as permissible under law, if it so chooses. The land belonging to the Petitioner in Writ Petition No.1370 of 2018 also form part of the

same award as in case of the instant Petition and, therefore, the directions issued in the said Writ Petition shall have to be issued in these Petitions.

3 In this view of the matter, Writ Petitions deserve to be allowed and the same are accordingly allowed. The proceeding in respect of the acquisition of land belonging to the Petitioners shall be deemed to have lapsed and it would be open for the State to take steps as permissible under law if it so chooses.

4 Rule is accordingly made absolute. There shall be no order as to costs.

(V.L. ACHLIYA, J.)

(R.M. BORDE, J.)