

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

WRIT PETITION NO. 5116 OF 2018

Shri Dhanpal Nemisha Chougule & Ors. ... Petitioners.

V/s.

The Deputy Collector (Land Acquisition)
No. 4, Sangli & Ors. ... Respondents.

Mr. Vinod Sangvikar, Advocate, a/with Mr. U. R. Mankapure
for the Petitioners.

Mrs. Madhubala Kajale, "B" Panel Counsel for the State -
Respondent Nos. 1 to 4.

CORAM : R.M. BORDE & N.J. JAMADAR, JJ.

DATE : MARCH 19, 2019.

PC :

1 The petitioners have objected the Award passed by learned Deputy Collector, Land Acquisition, Sangli, on 23.07.2015. Relying on first proviso to section 6(1) of Land Acquisition Act, 1894, it is contended on behalf of the petitioner that since section 4 notification has been published on 16.05.2012 and declaration under section 6 has been issued on 31.07.2013, which fall beyond a prescribed period of one year from the date of declaration under section 4, the proceedings for acquisition shall stand lapsed and award declared on 23.07.2015 is nullity.

2 We have perused the Award declared by the Land Acquisition Officer on 23.07.2015. It is recorded in the statement of Award that section 4 notification has been published in the government gazette on 16.05.2012; whereas the corrigendum to section 4 has been published on 31.01.2013. The newspaper publication of section 4 notification was made on 18.05.2012 and the corrigendum was published in the newspaper on 01.01.2013, 10.01.2013, 25.05.2013 respectively. Local publication of section 4 notification was made on 24.07.2013; whereas the said notification was displayed on notice board of the office of Tahasildar, Miraj on 30.07.2014. Notification under section 4 has been displayed on the notice board of the land acquisition office on 03.08.2013. Whereas individual notices have been issued to the claimants on 01.08.2012. Section 6 declaration has been published in the government gazette on 12.07.2013. If the dates in respect of publication of notification under section 4, by various modes, are taken into consideration, the last mode of publication of declaration i.e. display of the notification on the notice board and service of the notice to individual claimant, falls within the prescribed period of one year as specified in section 6(1) proviso of Land Acquisition Act.

3 Apart from this, consequence in respect of non-observance of the mandate provided under proviso to section 6(1) has not been specified in the Act. In view of the factual position, as narrated above, the contentions raised by the petitioners that the Award declared by the Land Acquisition Officer on 23.07.2015 shall stand lapsed by reason of non-observance of the mandate prescribed under section 6(1), second proviso, does not deserve consideration. It has been pointed out that the petitioner is in receipt of amount of compensation declared under the Award and has also filed a reference before the competent authority.

4 In this view of the matter, no interference is called for in the instant writ petition. Petition is devoid of any substance and it is dismissed accordingly.

(N.J. JAMADAR, J.)

(R.M. BORDE,J.)

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