

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

WRIT PETITION NO. 5163 OF 2019

- | | | |
|---|---|----------------|
| 1. Anjaba Shivram Lokhande, |] | |
| (Since Deceased) through Legal Heir |] | |
| 1a. Rajaram Anjaba @ Anjanrav Lokhande |] | |
| Age : Adult, Occ. : Agriculturist |] | |
| R/o. Mouje markal, Taluka Khed, |] | |
| District Pune. |] | .. Petitioner |
| Vs. | | |
| 1. The State of Maharashtra |] | |
| 2. The Collector, Pune |] | |
| 3. Special Land Acquisition Officer |] | |
| No.26, Pune, |] | |
| Having its office at New Administration |] | |
| Building, Pune. |] | |
| 4. Deputy Director, |] | |
| Rehabilitation (Land), Pune, |] | |
| Having its office at New Administration |] | |
| Building, Pune. |] | .. Respondents |

Mr.S.H. Deokar, Advocate for petitioner.

Mr.P.P. More, AGP for respondent-State.

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

DATE : 24TH APRIL 2019

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

1 Heard.

2 Rule. With the consent of the parties, the petition is taken up for final hearing at the admission stage.

3 The petitioner herein makes grievances similar to the one, as raised in Writ Petition No.14755 of 2018 and the companion matters, which have already been disposed of by the Division Bench of this Court on 17th January 2019. The petitioner claims that the land belonging to him was also subjected to the acquisition for rehabilitation of project affected persons of Bhama Askhed Project. The Award under Section 11 of the Land Acquisition Act, 1894 (hereinafter referred as 'the Act, 1894) has been passed on 30th May 2004 and the petitioner herein is also covered by the same Notification under Section 4 of the Land Acquisition Act, 1894 and the award declared by the Land Acquisition Officer is also the same, which was subjected to challenge in Writ Petition No.14755 of 2018 and companion petitions, which have already been disposed of.

4 In this view of the matter, for the reasons recorded by this Court, while disposing of Writ Petition No.14755 of 2018 and connected petitions, the instant writ petition is allowed in similar terms.

5 In view of the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'the Act of 2013'), since the land acquisition Award under Section 11 has been made five years or more prior to the commencement of the Act of 2013, neither the amount of compensation has been paid, nor physical possession of the property has

been taken over, the proceedings of Award 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, therefore, declared that, the proceedings of land acquisition initiated under the Act, 1894, which has culminated into passing of the Award on 30th May 2004, shall be deemed to have lapsed and it would be open for the appropriate Government, if it so chooses to initiate the proceedings for acquisition of the of the subject land afresh in accordance with the Act of 2013.

6 Rule is made absolute to the extent as specified above.

There shall be no order as to costs.

[N.J. JAMADAR, J.]

[R. M. BORDE, J.]