

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11077 OF 2017

Ananda Dhondiram Ghatge

Petitioner

versus

The State of Maharashtra and others

Respondents

Mr.Manoj A. Patil for Petitioner.

Mr.Y.D.Patil, AGP, for Respondents 1 to 3 State.

CORAM : A.A.SAYED AND
PRAKASH D. NAIK, JJ.

DATE : 5th August 2019

PC :

1. We record the statement of learned Counsel for the Petitioner that the Petitioner is not pressing prayer clause (b) of the Petition.

2. In the Affidavit-in-Reply of the Deputy Collector, Land Acquisition No.12, Kolhapur, dated 22nd January 2018, in paragraph no.3, it is stated as follows :

“3. I say that after close scrutiny of the papers of award, it was realized by this Respondent that no award pertaining to Petitioners land i.e. land bearing No.492/2 admeasuring 8.81 R of Village Arale Taluka Panhala, District Kolhapur, was passed by Special Land Acquisition Officer No.1, Kolhapur. The Petitioner has himself annexed the copy of the award dated 15th November 1983. The present Petition is therefore, frivolous and malafide and that ultimate aim to take benefit of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and

Resettlement Act, 2013. The Petitioner is, therefore, came with unclean hands, also without exactly verifying whether his land situated at Gat No.492/2 Village Arale Taluka Panhala, District Kolhapur is incorporated in the award dated 15th November 1983 as is annexed by him at Page No.61-90 to this Petition. In the prayers made by the Petitioner, the Petitioner intends to declare the Acquisition proceedings award dated 19th September 1986. At Page No.61, the Petitioner has annexed the award of 15th November 1983. However, in the award dated 15th November 1983, there is no mention of Land of the Petitioner and therefore, this Respondent do not have any records of award dated 19th September, 1986 in which he claims that his land is incorporated in the Award. As name of the Petitioner is not incorporated in the award dated 15th November 1983 and the present Respondents do not have any award dated 19th September 1986, the present Petition filed by the Petitioner is nullified and intention to take the benefit of provision of the Section 24 of Right to Fair Compensation Act, 2013.”
(emphasis supplied)

3. It is thus an admitted position that there is no award made in respect of the subject land admeasuring 0.81 R of Gat No.492/2 situate at Village Arale, Taluka Panhala, District Kolhapur.
4. Under section 11(A) of the Land Acquisition Act, 1894, the award under section 11 is required to be made within a period of two years from the date of declaration under section 6, failing which the entire proceedings for the acquisition of land cold lapse. In view thereof, since no award is made in respect of the subject land as stated in the Affidavit-in-Reply, the acquisition under the provisions of Land Acquisition Act, 1894, has lapsed.
5. In the circumstances, we dispose of the Petition by permitting the Petitioner to make necessary application for deletion of the name

of the Respondent Nos.1 and 2 from the revenue records pursuant to the Notification under the Land Acquisition Act, 1894. If such application is made within a period of four weeks from today, the same shall be decided on its merits and in accordance with law within six weeks from the date of the receipt of the said application.

(PRAKASH D. NAIK, J.)

(A.A.SAYED, J.)

MST