

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

WRIT PETITION (STAMP) NO.27388 OF 2019

Balasaheb Haribhau Kad and Ors. ...Petitioners
Versus
The State of Maharashtra and Ors. ...Respondents

.....

Mr. S.R. Nargolkar with Mr. Arjun Kadam for the Petitioners.
Mr. V.S. Gokhale, 'B' Panel Counsel for the Respondent Nos.1 to 6-
State.

**CORAM : A.A. SAYED AND
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED: 20th NOVEMBER, 2019.

P.C.:-

1. The case of the Petitioners is that in view of Section 24(2) of the Land Acquisition (Right to Fair Compensation and Transparency in Rehabilitation and Resettlement) Act 2013, the acquisition in respect of Gat No.97 (part) admeasuring 0 Hectare 47 R and also Gat No.137 (part) 0 H and 49 R situated at Mauje Kadachi Wadi, Taluka-Khed, District-Pune, has lapsed.

2. We find that the Petitioners have not approached the Court with clean hands. Section 24(2) of the Act is not applicable to the facts of the present case. It is an admitted position that the Petitioners have received the compensation. The Petitioners have relied upon Panchanama, which shows that possession has already been taken on 29-11-2005. The award was passed as far

back as on 25-01-2004. The mutation entries and 7/12 extracts made on 22-07-2019 reflect that the subject lands have already been allotted to project affected persons. The belated claim of the Petitioners that the panchanama showing possession has been taken of the land in question was just an eye wash, cannot be countenanced and is rejected.

3. In the circumstances, we are not inclined to exercise the extra ordinary writ jurisdiction of this Court and entertain the Petition. The Petition is dismissed.

(ANUJA PRABHUDESSAI, J.)

(A.A. SAYED, J.)

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