

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

WRIT PETITION NO. 1365 OF 2018

|                                   |                 |
|-----------------------------------|-----------------|
| Vasant Mahadev Lokhande and anr.  | ...Petitioners. |
| vs.                               |                 |
| The State of Maharashtra and ors. | ...Respondents. |

WITH  
WRIT PETITION NO. 14520 OF 2018

|                                   |                 |
|-----------------------------------|-----------------|
| Dnyanoba Baburao Lokhande         | ...Petitioner   |
| vs.                               |                 |
| The State of Maharashtra and ors. | ...Respondents. |

WITH  
WRIT PETITION NO.14521 OF 2018

|                                   |                |
|-----------------------------------|----------------|
| Satish Bajirao Lokhande           | ...Petitioner. |
| vs.                               |                |
| The State of Maharashtra and ors. | ..Respondents. |

WITH  
WRIT PETITION NO.14522 OF 2018

Ranjana Subhash Lokhande

...Petitioner.

VS.

The State of Maharashtra and ors.

..Respondents.

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Mr. Sachin Deokar for the Petitioners.

Mr. R.S. Pawar, AGP for Respondent/State.

**CORAM : R.M.BORDE AND V.L. ACHLIYA, JJ.**

**DATE : 23<sup>rd</sup> January, 2019**

Judgment : (Per R.M. Borde, J.)

1. Heard.
2. Rule. Rule returnable forthwith by consent of the parties.
3. The petitioners before us are the land holders whose agricultural properties have been acquired under the award declared by the Land Acquisition officer on 30.5.2004 in observance of the procedure prescribed by the Land Acquisition Act of 1894. It is contended that the Award is declared and amount of compensation determined by the Land Acquisition Officer has not been paid nor the possession of the land in question has been taken over either by the acquiring authority or the State Government. Our attention is invited to Para 20 of the

Award wherein it has been recorded that the advance possession of the land under acquisition has not been taken over. It is evident from the communication annexed to the petition addressed by the Dy. Collector (Land Acquisition) No.26 to the Executive Engineer, Bhama Asakhed Dam Project on 14.7.2015 calling upon the concerned authority to deposit the amount of compensation. In view of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 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 Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. It is accordingly declared and as a consequence thereof the Award dated

30.5.2004 shall be deemed to have been lapsed and it would be open for the appropriate Government if it so chooses to initiate the proceedings for acquisition of the subject land afresh in accordance with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

4. Rule is accordingly made absolute.

**(V.L. ACHLIYA, J.)**

**( R.M. BORDE, J.)**