

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

WRIT PETITION NO. 13556 OF 2016

Dnyaneshwar Ranba Gavhane

.. Petitioner

v/s.

The State of Maharashtra & Ors.

..Respondents

Mr. Nargolkar a/w. Ms. Sherrie Rebello, Mr. Arjun Kadam i/b.
Mr. Swapnil Mohite for the Petitioner.
Ms. P.N. Diwan, AGP for the State – Respondent Nos.1 to 5.
Mr. K.P. Shah for the Respondent No.13.

**CORAM : A.A.SAYED &
SMT. ANUJA PRABHUDESSAI, JJ.
DATED : 06th JANUARY, 2020.**

P.C.

1. The Petition seeks a declaration that the acquisition proceedings in respect of the subject property, viz. Gut No. 240 (2) admeasuring 0 Hectare 66R, situated at Mauje Koregaon, Taluka Shirur, District Pune has lapsed in view of the provisions of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, and also seeks directions to delete the entries of name of the Respondent Nos.7 to 13 in the 7 x 12 Extract.

2. The Section 4 Notification under the Land Acquisition Act, 1894 was published as far back as on 8.09.1988. The Section 6 Declaration was published on 22.09.1989. The Award was declared on 28.02.1991. In the Affidavit-in-Reply, it is pointed out that the

possession of the Petitioner's land was taken on 28.02.1991 under Panchanama / Possession Receipt. Copy of the Panchanama / Possession Receipt is annexed at Exhibit B to the Affidavit-in-Reply (running page 100) which carries the thumb impression of Smt. Sakhubai Ranaba Gavhane, who is the mother of the Petitioner. It is further pointed out in the Affidavit-in-Reply that compensation of Rs.19,897/- was paid on 16.03.1991. Exh.C of the Affidavit-in-Reply (running page 103) carries the thumb impression of Sakhubai Ranaba Gavhane, mother of the Petitioner, acknowledging receipt of compensation.

3. Learned Counsel for the Petitioner candidly states that though the Petition proceeds on the basis that the compensation was not paid, the compensation, as a matter of fact, has been received by Smt. Sakhubai Ranaba Gavhane, mother of the petitioner. In view of the aforementioned panchanama/possession receipt, the case of the Petitioner that he is in possession of the subject land cannot be accepted. Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, would have no application in the facts of the present case.

4. There is no merit in the Petition. It is accordingly dismissed.

(ANUJA PRABHUDESSAI, J.)

(A.A.SAYED, J.)