

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

WRIT PETITION NO. 214 OF 2019

M/s. Sai Enterprises and anr.
v/s.

.....Petitioners

Maharashtra Krishna Khore Development
Corporation, Pune and ors.

.....Respondents

Mr. R.D. Soni i/b. Ram and Co. for the Petitioners.
Mr. V.S. Gokhale, 'B' Panel Counsel for the State /
Respondent Nos.3 to 6.
Mr. M.S. Lagu for Respondent No.2.

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

DATE : 28th JANUARY, 2020.

P. C. :-

. Prayer clause (a) of the Petition reads as follows :-

" (a) That this Hon'ble Court be pleased to issue an appropriate writ, order or direction declaring that the acquisition proceedings in respect of the Petitioners' property viz. land bearing Gut No. 447/4, 447/6, 383/1, 386 and 389 situated at Mauje Kharabwadi, Taluka Khed, Dist. Pune, are deemed to have lapsed under the provisions of Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, and the said land is free from acquisition. "

2. In the Affidavit-in-Reply filed on behalf of the Deputy Collector, Land Acquisition No.4, Pune, it is admitted that the possession of the subject lands have not been taken and the land owners have not been paid the compensation. In the Affidavit-in-

Reply filed by the Respondent No.2 - Executive Engineer, Bhama Ashked Dam Division, Swargate Pune-37, it is stated that by Resolution No.84 dated 3rd June 2014, it was resolved that the land acquisition proceedings pertaining to the subject lands be dropped and accordingly proposal was to be submitted to the State Government and same be forwarded to the Chief Secretary by letter dated 08/07/2019.

3. The Award under Section 11 of the Land Acquisition Act, 1894 was declared on 16/01/2004 in respect of the subject lands. Inasmuch as it is an admitted position that neither the compensation has been paid to the Petitioners nor possession of the subject lands have been taken, the acquisition is deemed to have been lapsed under the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

4. In light of the above, the Writ Petition is allowed in terms of prayer clause (a). The entries in the revenue record showing the subject land as required for Bhama Ashked Right Canal Project be deleted at the earliest.

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(SMT. ANUJA PRABHUDESSAI, J.)

(A.A. SAYED, J.)