

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1269 of 2019**

Dattraj Babanrao Dhumal & Anr .. Petitioners
Versus
The Div. Commissioner, Pune
Division, Pune and ors .. Respondents

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Ms.Kanchan Phatak I/b Mr.N.P. Deshpande for the petitioners.
Mr. S.B. Kalel, AGP for respondent nos.1 to 17.

**CORAM: PRADEEP NANDRAJOG, C.J.
AND BHARATI DANGRE, J.**

DATED : 7th JANUARY, 2020.

P.C:-

1 Large tracts of land including petitioner's land comprising in Gat No. 448/2B and 360 in village Takli-Bhima, Taluka Shirur, District Pune were proposed to be acquired for rehabilitation of persons under the Maharashtra Project Affected Persons Rehabilitation Act, 1999.

2 A declaration under Section 4 of the Land Acquisition Act, 1894 was issued on 1st April 1998 and the matter was not taken forward thereafter. Meaning thereby, neither a

declaration under Section 6 of the Land Acquisition Act, 1894 was issued nor any award was published. Obviously, the acquisition has lapsed.

3 The grievance of the petitioner is to the order dated 1st April 1998 (Exhibit-B) directing that in the Revenue record, it be recorded that land be not transferred on account of the proposed acquisition. The said order continues to stand till date.

4 The Writ Petition is disposed of declaring that the order dated 1st April 1998 (Exhibit-B) is non-operative because the acquisition has lapsed. Mandamus is issued to the respondents to pass an order withdrawing the order dated 1st April 1998.

5 In the revenue record, the entry prohibiting sale of the lands covered by the said order be cancelled.

6 The mandamus shall be complied with within 12 weeks from today.

SMT. BHARATI DANGRE, J

CHIEF JUSTICE