

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 946 OF 2021

**SHANTABAI RAVINDRA SALUNKE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

....

Mr. B. G. Sagade, Advocate for petitioners
Mrs M. A. Deshpande, AGP for respondent Nos. 1 to 3
Mr. S. G. Sangle, Advocate for respondent No.4

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**CORAM : MANGESH S. PATIL &
Y. G. KHOBRAGADE, JJ.**

DATED : 23 NOVEMBER 2022

PER COURT :-

Heard both the sides..

2. The petitioners are aggrieved by the fact that though the possession of their lands was taken long back, no award has been passed and the acquisition would lapse by virtue of Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

3. Learned Advocate for the petitioners fairly concedes that possession has already been taken over.

4. Learned Advocate for the Acquiring Body and the learned AGP unanimously submit that the amount of compensation of Rs.8,81,252- has already been deposited by the Acquiring Body with the Special Land Acquisition Officer on 12.10.2022.

5. In view of the decision of the Hon'ble Supreme Court in the case of "*Indore Development Authority Vs. Manoharlal & Ors – (2020) 8 SCC 129*", the acquisition would not lapse. In view of such a scenario, the learned advocate for the petitioners submits that even if the petitioners are not entitled to seek any declaration regarding lapsing of the acquisition, they are entitled to claim the amount of compensation.

6. In view of the aforementioned state of affairs and the law, the petition is dismissed. However, the petitioners may approach the Special Land Acquisition Officer and claim amount if they are ready to accept it.

7. We have not decided the rights of the petitioners to have either enhanced compensation or the rental compensation.

[Y. G. KHOBRAGADE, J.]

[MANGESH S. PATIL, J.]

SMS