

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

12 WRIT PETITION NO.1209 OF 2017

RAOSAHEBGANPATI KATRE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Ingale Vivekanand V.
AGP for Respondents/State : Mrs. M.A. Deshpande

CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.

DATE : 01.08.2022.

PER COURT :

Heard the learned advocate for the petitioner and the learned A.G.P.

2. The dispute is as to whether, the land acquisition proceeding undertaken under the Land Acquisition Act, 1894 would lapse, in view of the facts and circumstances of the case, in the light of the provision of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

3. By virtue of the wording of section 24 of the new Act, a disjunctive 'or' has been used in respect of the conditions to be fulfilled before the acquisition could lapse, that is receiving of compensation or taking over of possession. The Supreme Court in the matter of **Indore Development Authority Vs. Manoharlal and others; AIR 2020 Supreme Court 1496**, in clause 3 of paragraph No. 363 has laid down that in case of fulfillment of either of those conditions that is either the compensation is received or possession is taken over, there would not be any lapsing.

4. Even otherwise, as has been laid down in clause 5 of the paragraph

No. 363, the respondents in their affidavit in reply have specifically averred that the compensation determined by the Land Acquisition Officer was deposited in the Treasury. The petitioners were noticed. They had acknowledged its receipt still they had not responded. All these facts have not been traversed by filing any counter. Therefore, even for this reason, the acquisition would not lapse.

5. The Writ Petition is dismissed. The petitioners would be at liberty to avail of whatever remedies they now have.

(SANDEEP V. MARNE J.)

(MANGESH S. PATIL, J.)

mkd/-