

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9367 OF 2022
WITH
INTERIM APPLICATION NO. 17071 OF 2022

Sudam Sahadu Sukare & Ors. ..Petitioners

V/s.
The Chief Secretary,
Revenue Department, Mantralaya,
Mumbai and Ors. ..Respondents

Mr. Ashish Gaikwad a/w Prerna Agavekar with Ms. Bhavana Khichi for the Petitioners.

Mr. A.P. Vanarase, AGP for Respondent Nos. 1 to 6/State.

Mr. Sanjiv Sawant i/b Mr. S.M. Suryawanshi for the Respondent No.7.

CORAM : R.D.DHANUKA, AND
M.M.SATHAYE, JJ.

RESERVED ON : 5 DECEMBER 2022
PRONOUNCED ON : 8 DECEMBER 2022

(JUDGMENT: PER M.M.SATHAYE,J.)

. Rule. Rule is made returnable forthwith. Learned counsel for the Respondents waive service. Heard finally by consent of parties.

2. This petition is filed seeking declaration that acquisition proceeding in respect of land bearing Gat Nos. 918/1 and 918/2 situated at mauje Kalus, Taluka Khed, District Pune is lapsed in

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view of the Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. This petition further seeks direction to Respondent/Collector to delete the entries of acquisition proceeding and mutation entry No. 2774 in respect of the said lands. The petition seeks further prayer for retention of entire Gat Nos. 918/1 and 918/2 and the total area thereof in the name of the Petitioners. The Petitioners in paragraph 2 have stated that Respondent No. 7 is the allottee and have further stated that amount of compensation received in para 4(k) of the Petition. However, it is the case of the Petitioners that despite passing of the Award dated 31.03.2000, the possession has not been taken till date.

3. Heard learned counsel for the Petitioners, learned AGP for Respondent Nos. 1 to 6 and learned counsel for Respondent No.7. Perused record.

4. Respondent No.7 is the present allottee of the subject matter lands under the rehabilitation process of project affected persons for Bhima Aashkade project. He has filed an affidavit-in-reply pointing out that the award is passed in respect of the subject matter land way back on 31.03.2000 and thereafter the subject matter land has been allotted to him. It is further pointed out in the reply that the Petitioners have accepted compensation

and given possession of the land pursuant to the Award. Respondent No.7 has further stated that under a punchanama drawn by Talathi in respect of the subject matter land, he has been put in possession. It is further pointed out that by Consent Affidavit dated 03.02.2006, the Petitioners have agreed that the land admeasuring 1H 79R out of Gat No. 918 was acquired and possession in respect of the same is handed over to Respondent No.7. No affidavit in Rejoinder is filed.

5. Our attention is invited to order of the Collector dated 24.03.2010, Panchnama drawn thereupon and Consent Letter dated 03.02.2006, at page No. 171, 151 and 166 of the petition which are annexures to the affidavit-in-reply of Respondent No.7. Our attention is also invited to recent 7/12 extract of Gat No. 918/2 standing in the name of Respondent No.7 under mutation entry No. 2774.

6. It emerges from the record that the Petitioners have come to the Court by way of present petition after about 22 years from the date of Award, which is of the year 2000. Respondent No.7 is already put in possession as an allottee and even thereafter considerable time has passed. The Petitioners have been admittedly paid compensation long back.

7. The argument of the Petitioners that they are still in possession of the property, is difficult to accept in the face of what is stated above and that too, at such belated stage.

8. In view of the above facts, there is no merit in the petition and the same is dismissed with no order as to costs.

9. In view of dismissal of main petition, Interim Application No. 17071 of 2022 is also disposed of.

M.M.SATHAYE, J.

R.D.DHANUKA, J.