

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

**WRIT PETITION NO.7373 OF 2018
WITH
INTERIM APPLICATION NO.1484 OF 2022
WITH
INTERIM APPLICATION NO.1483 OF 2022**

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Mahadev Bhikhu Salunkhe & Ors. Petitioners

Vs.

The State of Maharashtra and Ors. Respondents

Mr.Ketan A. Dhavle for the Petitioners

Mr.R.P.Kadam, A.G.P. for the Respondents

**CORAM: S.V.GANGAPURWALA &
VINAY JOSHI, JJ.**

DATED : MARCH 16, 2022

P.C.

. Heard.

2. The present Writ Petition has been filed on the premise that the acquisition proceedings have lapsed in view of section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

3. The other grievance of the petitioner is that the petitioner had filed an application under section 48 of the Land Acquisition Act. The said application is not yet

decided. According to the petitioner, the possession of the acquired property is with the petitioner.

4. We have heard the learned counsel for the petitioner.

5. We have heard the learned A.G.P. also.

6. So far as case of the petitioner under 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 is concerned, the same may not survive in view of the judgment of the Apex Court in the case of ***Indore Development Authority vs. Manoharlal and Others reported in (2020) 8 SCC 129.***

7. It is not disputed that the compensation amount has been deposited by the authority. In view of that, prayer clause (a) cannot be granted. The other contention is that the petitioner has moved an application preferably under section 48 of the Land Acquisition Act (page 49). Same is not yet decided. In case the application is filed by the petitioner and the same is pending with the authority (page 49) then the authority shall take decision upon the said application on its own merits and in accordance with law preferably within six months.

8. Writ Petition stands disposed of. No order as to costs.

(VINAY JOSHI, J.)

(S.V.GANGAPURWALA, J.)