

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

WRIT PETITION NO.2377 OF 2021

Shivaji Ramchandra Shete	...Petitioner
Vs.	
State of Maharashtra and Ors.	...Respondents

Mr. Shailesh D. Chavan a/w. Mr. Sumit Khaire for the Petitioner.
Ms. K. N. Solunke, AGP for the Respondent-State.
Mr. Sagar Kursija a/w. H. D. Chavan i/b J. D. Deshmukh for
Respondent Nos.4 and 5.
Mr. U. B. Nigot for Respondent Nos.8 and 9.

**CORAM : NITIN JAMDAR &
SHARMILA U. DESHMUKH, JJ.**

DATED : 11 OCTOBER 2022.

P. C. :

Heard learned counsel for the parties.

2. The Petitioner has challenged award dated 5 March 1982. It is the contention of the Petitioner that the acquisition proceedings resulting in the award dated 5 March 1982 have lapsed in view of section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. This Petition was filed on 8 November 2019. The contention of the

Petitioner is that possession pursuant to the award has not been taken neither compensation has been paid and in view of provisions of section 24(2) of the said Act acquisition proceedings have lapsed.

3. Reply affidavit is filed on behalf of the State on 31 May 2021 by the Deputy Collector, Land Acquisition and by Respondent Nos.4 and 5 opposing the Petition. In the reply affidavit filed by the State it has been asserted that pursuant to the award on 5 March 1982 and pursuant to the notice issued on 2 June 1982 possession was taken on 18 June 1982 and mutation entry has been carried out in the year 1982. It is also stated that notice calling upon the Petitioner to collect compensation under section 12(2) of the Act was issued, but compensation has not been collected.

4. Learned counsel for Respondent Nos.4 and 5 and learned AGP have rightly placed reliance on decision in the case of ***Indore Development Authority Vs. Manoharlal & Ors.*** wherein the Constitution Bench has held that in either of the case of taking over possession or issuance of notice under section 12(2) of the Act and deposit of compensation in the Treasury, there shall be no lapsing under section 24(2) of the said Act.

5. The dicta of the Constitution Bench is squarely applicable to the case in hand. Therefore we do not find any merit in the Petition. The Petition is dismissed.

(SHARMILA U. DESHMUKH, J.)

(NITIN JAMDAR, J.)