

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

**WRIT PETITION NO. 10403 OF 2018**

Late Bhau Babaji Patil

Since deceased through his legal heir

Late Anandrao Bhau Patil

... Petitioner

versus

The State of Maharashtra and Others

... Respondents

.....

None appears for the Petitioner.

Ms.Nisha Mehra, AGP for Respondent Nos. 1 to 4-State.

.....

**CORAM : NITIN JAMDAR, AND  
M.M. SATHAYE, JJ.**

**DATE : 01 March 2024.**

**P.C. :**

The Petitioner has sought a declaration that in view of Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the acquisition proceedings in respect of the Petitioner's land deemed to have lapsed. The prayer made in this petition is as follows :

*“(b). By suitable Writ, Order or direction, this Hon’ble Court be pleased to hold and declare that the acquisition proceedings bearing No. LQN/ SR/ 125/ 1980 extent to the Petitioner’ land admeasuring 99 Ares out of land bearing Gat No*

*506 situated at Village Mouje Agar, Taluka: Shirol, District: Kolhapur is deemed to have become lapsed view of Section 24 (2) of the Act of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and accordingly be pleased to further direct the Respondents to restore/ enter the names of the Petitioner in the Record of Rights of the aforesaid land admeasuring 99 Ares out of land bearing Gat No. 506 situated at Village Mouje Agar, Taluka : Shirol, District: Kolhapur within the stipulated period as this Hon'ble Court deems fit and proper”.*

2. This writ petition is filed on 6 December 2017 and has remained pending with no interim order. Reply affidavit is filed by the Deputy Collector (Land Acquisition) No. 12 Kolhapur on 9 October 2023 wherein it is stated as under:

*“5.I say and submit that the final Award vide No. LQN-10/ SR/ 125/80 including the said land is declared on dated 22/03/1988. The payment of compensation of Rs. 10930/- was fixed for the said lands.*

*6. I say and submit that inspite of serving of notice u/s 12 (2) of Land Acquisition Act, 1894 on 30/03/1988, nobody has come forward to collect the compensation. Hereto annexed and marked EXHIBIT -”1” is the copy of the notice u/s 12 (2). Therefore, the amount of compensation has been deposited in R.D. (Revenue Deposit) of this office.*

*7. I say that the possession of the said land has been taken on 12/04/1988 vide Kabjepatti- Panchnama and*

*handed over to the representative of the Collector & Dy. Director, Project Resettlement (Land) Kolhapur. Hereto annexed and marked EXHIBIT - "2" is the copy of Kabjepatti-Panchnama.*

*8. I further say that time to time issue of lapsing of the land acquisition proceeding was challenged before the Hon'ble Supreme Court in various matters and the Hon'ble Supreme Court taken various views in respect of the lapsing of acquisition proceeding. The Full Bench of the Hon'ble Supreme Court in the case of Indore Development Authority Vs. Manohar Lal and Ors. after hearing the parties and considering the law by order dated 06.03.2020 disposed of the said reference and it was held in para 363 (3) of the said order which is reproduce as under -*

*"The word 'or' used in section 24 (2) between possession and compensation has to be read as 'nor' or as 'and'. The deemed lapse of land acquisition proceedings under Section 24 (2) of the Act of 2013 takes place where due to inaction of authorities for five years or more prior to commencement of the said Act, the possession of land has not been taken nor compensation has been paid. In other words, in case possession has been taken, compensation has not been paid then there is no lapse. Similarly, if compensation has been paid, possession has not been taken then there is no lapse".*

*Here in the present case possession of petitioner's land has been taken. Therefore, Sec. 24 (2) of the said act is not applicable to this petition as per the Apex court's order".*

A specific statement is made in the reply affidavit that the amount of compensation has been deposited in the revenue deposit.

3. In light of the affidavit in reply so filed and in light of the decision of the Hon'ble Supreme Court in the case of *Indore Development Authority Vs. Manohar Lal and Ors.*<sup>1</sup>, the conditions for declaring that the acquisition has lapsed do not exist.

4. The writ petition is accordingly disposed of.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)

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<sup>1</sup> (2020) 8 SCC 395