

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6706 OF 2016

Shri. Krishnat Rangrao Kadam ...Petitioner
Versus
The State of Maharashtra And Ors. ...Respondents

Mr. Vaibhav R. Gaikwad for the Petitioner.
Mr. S. H. Kankal, AGP for Respondent Nos. 1 to 5

CORAM : NITIN JAMDAR &
M. M. SATHAYE, JJ.

DATED : 22 APRIL 2024

P.C.:

1. This Petition is filed seeking the following prayer:

“(b) By a suitable Writ, Order or direction this Hon’ble Court be pleased to hold and declare that in view of Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, land acquisition proceedings extent to aforesaid land of Petitioner being Old Gat No. 1270 of which present Gat No. 874 admeasuring 29 Ares situated at Pusesavali, Tal. Khatav, District: Satara is deemed to have been lapsed.”
2. The prayer is also sought to set aside the award dated 31 August 2001 and to correct the revenue records.
3. The Writ Petition was adjourned *sine die* by order dated 12 July 2018, since the issue as to the interpretation of section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition,

Rehabilitation and Resettlement Act, 2013 was pending before the Hon'ble Supreme Court. The decision has now been rendered in *Indore Development Authority v. Manoharlal*¹ and it is stated that if either of the conditions i.e. taking over the possession or deposit of the compensation in the government treasury are present, then there cannot be any lapse of acquisition.

4. It is not in dispute before us that notice to collect the compensation was issued and thereafter, it was deposited in the treasury. That being the position, the declaration as sought for cannot be given.

5. Learned Counsel for the Petitioner sought to contend that there are other grounds on which award can be challenged. We cannot overlook the delay in this regard of more than 16 years. Learned Counsel for the Petitioner has sought to contend that the Petitioner filed an Application under section 48 of the Land Acquisition Act, which is not yet decided.

6. These are the matters for the Petitioner to pursue with Executive Authority. We do not see any legally enforceable right under section 48 of the Land Acquisition Act, which is the power of the State to withdraw from the acquisition that to under certain circumstances. We leave it open to the Petitioner to pursue such remedy, if any.

7. The Writ Petition is rejected.

(M. M. SATHAYE, J.)

(NITIN JAMDAR, J.)

¹ (2020) 8 SCC 129