

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11702 OF 2017

Maruti Vitthal Shinde and Others ... Petitioners

versus

Special Land Acquisition Officer
No.22, Collector Office, Pune and Others ... Respondents

.....

Mr.P.M. Havnur with Ms.Prajakta Jagtap for the Petitioners.

Mr.S.H.Kankal, AGP for the Respondent -State.

Mr.Ravindra Adsure with Mr.Siddheshwar Biradar, Mr.Yogin Kulkarni and Mr.Varun Dharap for Respondent Nos.6 and 7.

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

DATE : 11 March 2024.

P.C. :

Heard the learned Counsel for the parties.

2. It is not necessary to detail the fact of this case in view of the decision rendered by the Constitution Bench in the case of *Indore Development Authority Versus Manoharlal & Ors. etc.*¹ Suffice it to state that the Petitioners sought a declaration that the subject acquisition has lapsed as per Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation

1 (2020) 8 SCC 129

and Resettlement Act, 2013. Though the prayer specifically does not state so, but it is orally argued before us.

3. Reply affidavit is filed on behalf of the State Government on 21 November 2018 wherein it is stated as under :

“3.I say that, when Respondent Authorities went on sight to take the Possession of land in Gat No. 26/4 (Old Gat No. 26/B) the original landowner refused to hand over the Possession. Therefore the possession of the Petitioner’s land in Gat No. 26/4 (Old Gat No. 26/B) has been taken through Panchnama on 04/12/1992. The Possession of the land is been already handed over to the District Resettlement Officer, Pune. Hereto annexed and marked at EXHIBIT ‘B’ is a copy of the Panchnama and Possession receipt.”

“4. I say that the Petitioner was served with the notices u/s 12 (2) of the Land Acquisition Act 1894 for receiving the payment of compensation. However, the Petitioners refused to accept the notice. Therefore said notice u/s 12 (2) of the Land Acquisition Act 1894 was issued through Panchnama on 27/11/1992 and same is at EXHIBIT ‘C’ to the Affidavit in Reply. I say that the Petitioner then never turned up to receive the payment of compensation. Hence, the payment is kept in the Personal Ledger Account of this Respondent which is the account designated for receiving and disbursement of the payment of claimants”.

4. In view of this position, which has gone uncontrovered, and in view of the decision of the Constitution Bench, the writ petition cannot be entertained and it is accordingly rejected.

5. It is open to the Petitioners to withdraw the amount of compensation which is deposited in the Government Treasury.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)