

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 6665 OF 2023

Bhaurao Bhaiyyaji Mohod Dead, through his L.Rs. Smt. Chandrakala Bhaurao Mohod and others
Vs.

State of Maharashtra and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri R.J. Shinde, Advocate for petitioners
Shri V.A. Thakre, AGP for respondent Nos.1 to 3

CORAM : AVINASH G. GHAROTE AND
SMT M.S. JAWALKAR, JJ.

DATE : 05.09.2024.

The only question which is raised is that since the award under Section 11 of the Land Acquisition Act has been passed on 13/06/2013 and compensation has not been paid, the same needs to be modified and the compensation needs to be redetermined in consonance with the Act of 2013.

2. There is no dispute that in pursuance to the award dated 13/06/2013, possession has already been taken. Clause - (b) of Section 24 (1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, specifically mandates that if the award under Section 11 has been made prior to coming into force of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, then

the proceedings would continue under the Land Acquisition Act. It is not in dispute that the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, came into effect on 01/01/2014, the award is dated 13/06/2013.

3. Mr Shinde learned Counsel for the petitioner though admits that possession in pursuance thereto has been taken, he is unable to tell us the date. Compensation in terms of the award has also been received on 03/07/2014. This is therefore not a case, to which Sub Section 2 of Section 24 of the Act of 2013, would be attracted considering the above dates. We, therefore, do not find any merits in this petition, the same is dismissed.

(SMT M.S. JAWALKAR, J.)

(AVINASH G. GHAROTE, J.)