



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO. 120 OF 2022

(Shri Hiralal Vithobaji Gotmare ..vs.. The District Collector, Nagpur and others)

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

Court's or Judge's orders

Mr. C.V. Kale, Counsel for the petitioner,
Mr. S.M. Ukey, Addl.G.P. for the respondents.

**CORAM : NITIN W. SAMBRE &
ABHAY J. MANTRI, JJ.**

DATED : 16-04-2024

Vide various sale-deeds which were executed on 1st and 4th December, 2006 the petitioner claims to have purchased the land which is subject matter of the petition.

2. On the date of purchase of the land in question already notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "Act") was in operation.

3. Consequently the Award came to be passed on 31-7-2001.

4. The predecessor-in-title of the petitioner approached before this Court in Writ Petition No.2436/2017 and same came to be dismissed on 31-8-2021.

5. According to Mr. Kale, learned Counsel appearing for the petitioner, in view of the law laid down by the Apex Court in the matter of ***K.N. Aswathnarayana Setti (d) Through Lrs. v. State of Karnataka and others, AIR 2014 SC 279***, the petitioner is entitled to claim compensation even if he is purchaser of the land subsequent to notification under Section 4 of the Act.

6. So as to substantiate his contention, he has drawn support from the observations made in paragraph 10 of the said judgment which reads thus:

“10. The law on the issue can be summarised to the effect that a person who purchases land subsequent to the issuance of a Section 4 notification with respect to it, is not competent to challenge the validity of the acquisition proceedings on any ground whatsoever, for the reason that the sale deed executed in his favour does not confer upon him, any title and at the most he can claim compensation on the basis of his vendor’s title.”

7. Learned Counsel Mr. Kale would urge that the petitioner is not questioning the acquisition, however, he being *bona fide* purchaser is entitled to pursue his claim for release of compensation which was awarded in relation to land in question.

8. The aforesaid prayer is opposed by the learned Additional Government Pleader Mr. S.M. Ukey as according to him, the sale-deeds executed in favour of

the petitioner are void as same were subsequent to issuance of notification under Section 4 of the Act.

9. Be that as it may, in view of the law which is sought to be relied on by the petitioner in the matter of *K.N. Aswathnarayana Setty* cited *supra*, we deem it appropriate to permit the petitioner to appear before the respondents for release of compensation, which prayer be considered and dealt with in accordance with law, expeditiously.

10. Needless to clarify, we have not commented anything on merits of the matter and entitlement of the petitioner.

11. The petition stands disposed of accordingly.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

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