

Amol

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2848 OF 2022

Ramchandra Balku Vetel
Since Deceased Through His Heirs
Bhagwan Ramchandra Vetel & Ors ...Petitioners

Versus

The Divisional Commissioner Pune
Division & Ors ...Respondents

Mr Dilip Bodake, *for the Petitioner.*

Ms S R Crasto, AGP, *for the Respondent-State.*

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CORAM M.S. Sonak &
Jitendra Jain, JJ.
DATED: 07 April 2025

PC:-

1. The Petitioner has sought for a declaration that the acquisition stands lapsed given the provisions of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement, Act, 2013.
2. The affidavit filed on behalf of the Respondents shows that the compensation was offered and pursuant to refusal of the offer, the same was deposited on 5 May 2017.
3. Therefore, by following the law in the case of **Indore Development Authority Vs Manoharlal and Ors¹**, the

¹ 2020 8 SCC 129

acquisition cannot be declared to be lapsed on the ground now urged.

4. However, Mr Bodake, the learned Counsel for the Petitioner pointed out that the Petitioner has raised other grounds in this Petition. For instance, he submitted that the Petitioners' lands were acquired by these very Respondents earlier. These acquired lands have not been excluded for determining the Petitioners' land holding in terms of Schedule II, the Maharashtra Project Affected Persons Rehabilitation Act, 1986. He submitted that the Respondents have only gone by the Revenue records and not accounted for the Petitioners' lands already acquired by them during the earlier acquisitions.

5. The learned Counsel for the parties suggested that the Petitioners could be permitted to file a representation regarding the above ground and the other grounds urged in the Petition and directions may be issued to the Divisional Commissioner, Pune Division (R1) to consider and dispose of such representation within a time bound schedule.

6. The above suggestion is fair and reasonable. The Petitioners are permitted to file a representation within four weeks from today to the Divisional Commissioner, Pune Division along with all relevant documents, extracts of law and compilation of decisions etc. The Divisional Commissioner is directed to hear the Petitioners and dispose of such representation in accordance with law within two months of its receipt. A reasoned communication must be sent to the Petitioners within this period of two months.

7. We clarify that we have not examined the other contentions of the Petitioners on merits and therefore, all contentions of all parties in the above regard are kept. The Petition is disposed of in above terms without any costs order.

8. All concerned to act on an authenticated copy of this order.

(Jitendra Jain, J)

(M.S. Sonak, J)