

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8953 OF 2022

Dilipkumar Ramchandra Dhanve ...Petitioner

Versus

The State of Maharashtra & Ors. ...Respondents

Mr. Siddhesh Pilankar a/w Mr. Hrishikesh Naber for the Petitioner.
Ms. Kavita N. Solunke, AGP for the Respondent-State.

CORAM : M. S. Sonak &
Jitendra Jain, JJ.

DATED : 28 March 2025

ORAL JUDGMENT (Per M. S. Sonak, J.):-

1. Heard learned counsel for the parties.
2. Rule. The Rule is made returnable immediately at the request and with the consent of the learned counsel for the parties.
3. The Petitioner seeks the following substantive prayers by instituting this petition: -

“a) This Hon'ble Court be pleased to hold and declare that the acquisition of the land vide award dated 05/09/1986 in respect of the land situated at Village Borale, Tal: Mangalvedha, District: Solapur being Gut No. 593/2/A/1 admeasuring 5 Hectare and 7 Are has been lapsed under Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

b) This Hon'ble Court, in view of the notification dated 27/04/2014 be pleased to permit the petitioner to return the amount of Rs. 54,900.20/- (Rupees Fifty Four Thousand Nine Hundred) to the respondent along with interest;”

4. Insofar as prayer clause (a) is concerned, we are satisfied that the same cannot be granted given the decision of the Hon'ble Supreme Court in the case of **Indore Development Authorities vs. Manoharlal &**

Ors¹. Accordingly, in the present facts, no case is made out to declare that the acquisition has lapsed.

5. Mr. Pilankar, learned counsel for the Petitioner, however, submitted that, to date, the acquired land is not being utilised for the purpose for which it was acquired. He refers to the provisions of Section 101 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (“said Act”) read with Rule 20 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Compensation, Rehabilitation and Resettlement and Development Plan) Rules, 2015 to submit that when any land, acquired under this Act remains unutilised for a period of five years from the date of taking over of the possession, the same shall be returned to the original owner or owners or their legal heirs, as the case may be, or to the Land Bank of the appropriate Government by reversion in the manner as may be prescribed by the appropriate Government. He states that the Petitioner has made a representation dated 4 June 2022 (pages 46 and 47) to the District Collector and Deputy Director, Ujjani Resettlement Project Solapur and the Special Land Acquisition Officer, Mangalvedha, but they remain unresponded.

6. Ms. Solunke, learned Assistant Government Pleader disputed the position that the land is not utilised. Without prejudice she submitted that the provisions of Section 101 of 2013 Act would not apply given the law laid down in *Indore Development Authorities (supra)* and *State of Kerala & Ors. vs. M. Bhaskaran Pillai & Anr.*²

7. At this stage, we are not deciding on the rival contentions as raised above. Since the Petitioner made a representation on 4 June

1 (2020) 8 SCC 129

2 AIR 1997 SC 2703

2022, such representation should have been considered and disposed of in accordance with law. Accordingly, we direct the concerned Respondents to consider and dispose of the Petitioner's representation in accordance with law as expeditiously as possible and, in any event, within three months of the uploading of this order. All contentions of all the parties are explicitly left open. The concerned Respondents must hear the Petitioners and pass a reasoned order, which should be communicated to the Petitioner within three months.

8. If the Petitioner wishes to file a further and detailed representation, the Petitioner should do so on or before 9 April 2025. This representation should also be considered along with the representation dated 4 June 2022 and disposed of in the manner indicated above.

9. The Rule is made absolute in the above terms without any cost order.

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

(Jitendra Jain, J.)

(M. S. Sonak, J.)