

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8238 OF 2022

Bapu Rama Bagadi and others	]	Petitioners
versus		
State of Maharashtra through Chief	]	
Secretary Department of Revenue and	]	
Forest and others	]	Respondents

.....
Mr. Datta Pawar, for Petitioners.

Mr. A.A. Naik, A.G.P, for Respondent – State.
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CORAM : M.S. KARNIK &
SHARMILA U. DESHMUKH, JJ

DATE : 18th SEPTEMBER, 2025.

P.C:

1. Heard Mr. Pawar, learned Counsel for the petitioners and Mr. Naik, learned A.G.P, for respondent – State.

2. By this petition, the petitioners are challenging acquisition of the subject land which was acquired for resettlement of project affected person for the project of Sarfnala Project at Ajara Taluka in District Kolhapur. Learned Counsel for the petitioners submits that original owner of the subject land was one Rama Yallappa Bagadi who had acquired the said land under the Maharashtra Tenancy and Agricultural Lands Act. The said Rama Bagadi

expired on 10th October, 1993. It is his further contention that petitioners' names were entered in record of rights of subject property on 2nd November, 1995. The State Government on 31st July, 2000 issued Notification in respect of acquisition of land in Ajara Taluka for the resettlement of project affected person. It is the contention of the learned Counsel for the petitioners that the Authorities have disregarded objections raised by the petitioners and acquired subject land vide an Award dated 11th September, 2012. The petitioners made a representation to the Divisional Commissioner (Rehabilitation), Pune in the year 2014.

3. Learned Counsel for the petitioners submits that the petitioners did not seek proper advice and, therefore, filed a suit for declaration and injunction bearing Suit No.124 of 2015 in the Court of Civil Judge, Senior Division, Gadhinglaj challenging the acquisition. After receiving proper advice, suit came to be withdrawn on 19th June, 2019. Thereafter, present petition was filed.

4. We find that objection to the acquisition of the land was raised by the petitioners prior to Award being passed. The land has already been acquired. If at all, the petitioners are original claimants to the compensation, it is for them to file appropriate proceedings by invoking remedy available.

5. In the affidavit in reply dated 12th September, 2022 filed on behalf of respondent No.2 by one Mr. Vivek Vithal Kale, Deputy Collector (Land Acquisition) No.12, Kolhapur , it is stated that compensation of Rs.4,54,623/- was fixed in respect of the subject land. The petitioners were served with a notice under section 12 (2) of the Land Acquisition Act, 1894 on 28th September, 2012, but the petitioners did not come forward to collect the compensation and the same is lying with Personal Ledger Account (PLA) account. We find that not only the possession has been taken but also the compensation has been deposited. This petition, in our opinion, suffers from delay and laches. However, it is open for the petitioners in terms of paragraph 4 of the affidavit, to collect the amount of compensation lying in PLA account together with accrued interest, if any, by making an appropriate application, in accordance with law. If such an application is made by the petitioners, the same be processed within a period of eight weeks from the date of filing the same.

6. The petition is disposed of in the aforesaid terms. No order as to costs.

[SHARMILA U. DESHMUKH. J.]

[M.S. KARNIK, J.]