

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11999 OF 2025**

Pradip Dnyanoba Sakhre ... Petitioner
Versus
The State of Maharashtra & Ors. ... Respondents

**WITH
WRIT PETITION NO. 13364 OF 2025**

Pradip Dnyanoba Sakhre ...Petitioner
Versus
Pune Metropolitan Region
Development Authoirty and Ors. ...Respondents

Mr. Siresh Sabrad a/w. Mr. Pritesh Chandge a/w. Amey C. Sawant a/w.
Ms. Neha Parte a/w. Ms. Eshwaree Kudalkar , for Petitioner.

Ms. Yogita More a/w. Mr. Prasad A. Jadhav, for Respondent No.1.

Smt. M.S.Bane, AGP for Respondent/State in WP/11999/25 and
Dr. Dhruti Kapadia, AGP for State in WP/13364/25.

**CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.**

DATE: 11th DECEMBER 2025

P.C.

WRIT PETITION NO. 11999 OF 2025

1. This Petition under Article 226 of the Constitution of India is filed praying
for the following substantive reliefs:-

“a) by an appropriate writ, order or direction, this Hon'ble Court be
pleased to hold the action on part of the Respondent No.1-PMRDA
and its officers in withholding issuance of completion certificate of
hotel constructed on land bearing Gat No.249/1, admeasuring 8R,

situate at Mouje Hinjwadi, Taluka Mulshi, District Pune in accordance with the sanctioned plan, as wholly illegal, perverse and arbitrary and take necessary action in accordance with law;

(b) pending the hearing and final disposal of this petition this Hon'ble Court be pleased to direct the Respondent No.1 PMRDA to forthwith issue completion certificate on the basis of the Form/Application dated 27.02.2025 filed by Petitioner through its Architect for grant of completion certificate of hotel constructed on land bearing Gat No.249/1, admeasuring 8R, situate at Mouje Hinjwadi, Taluka Mulshi, District Pune;"

2. The Petitioner is challenging the arbitrary, unreasonable and illegal action on the part of Respondent No.1-Pune Metropolitan Region Development Authority (PMRDA) in withholding the Completion Certificate/Occupation Certificate in respect of the hotel project constructed by the Petitioner on Gat No. 249/1, admeasuring 8-R, situated at Mouje Hinjwadi, Taluka Mulshi, District Pune (hereinafter referred to as the 'subject property'), despite the Petitioner having complied with all the statutory requirements and having constructed the hotel strictly in accordance with the sanctioned building plans and permissions granted from time to time. The Petitioner is owner of the subject property. Originally Gat no. 249/1 admeasuring 22R situated at Mauje Hinjewadi, Taluka Mulshi, District Pune was owned by the Petitioner and other family members jointly (hereinafter referred to as the 'land which is under acquisition').

3. On 21st October 1992, mutation entry No.3029 came to be certified and accordingly in the other rights column the entry was made in the Revenue Record of reservation, i.e., rehabilitation of the persons affected by Kasarsai Madhyam Project.

4. On 3rd December 1992, a notification under Section 4 of Land Acquisition

Act, 1894 (for short “the LA Act”) was issued which also published as per law, whereunder the said land belonging to the Petitioner was sought to be acquired. After issuance of the notification under Section 4 of the LA Act, Respondent No.4 did not take any steps in pursuance thereof. Although the acquisition was not taken forward, in the other rights column of the 7/12 extract in respect of the land under acquisition it was noticed in the year 2017, that a remark “*reserved for the purpose of rehabilitating the project affected persons*”, had remained to be removed. On account of such a remark appearing in the revenue records, neither the Petitioner nor any of the similarly placed land owners were in position to deal with the aforesaid land.

5. Being aggrieved by the inaction on the part of Respondent No.4, the Petitioners filed Writ Petition No. 14040/2017, before this Court contending that although acquisition proceedings were initiated by Respondent No.4 way back in the year 1993-94, no steps were taken and in pursuance thereof to acquire the said land. It was also contended that it was arbitrary for Respondent Nos. 3 & 4, not to delete the entries made in the other rights column of the 7/12 extract, whereby it was shown that the land has been acquired for rehabilitation purpose.

6. This Court by an order dated 20th December 2017, passed the following Order on the aforesaid Petition:

Heard Mr. Sabrad, learned counsel for the petitioners and Mr.Sawant, learned AGP for the State.

2. The petition is filed for seeking directions to respondent No.2 to direct his officers to delete the entries of reservation for the project affected persons from the other rights column of the 7/12 extract of the land bearing gat No.249/1 admeasuring 22R, situated at Mouje

Hinjwadi, Taluka Mulshi, District Pune.

3. Mr. Sawant, learned AGP, on instructions, makes a statement that though notification under Section 4 of the Land Acquisition Act, 1984 was issued on 3rd December, 1982, the award under Section 12 of the said Act never came to be passed. Even otherwise, the acquisition has lapsed.

4. In the above circumstances, we find that there is no impediment in allowing this petition in terms of prayer clause (b). We, accordingly, direct the respondent No.2 to direct his officers to delete the entries of reservation for the project affected persons from the other rights column of the 7/12 extract of the land belonging to the petitioners and bearing gat No.249/1 admeasuring 22R, situated at Mouje Hinjwadi, Taluka Mulshi, District Pune .

5. The writ petition stands disposed of.

(emphasis supplied)

7. On 2nd February 2019, the mutation entry No. 9795 came to be effected by Respondent No. 8 whereby the entries made in the other rights column in the Revenue Records, showing reservation for rehabilitation of project affected persons of the Kasarsai Madhyam Project were deleted. The Petitioner therefore entered into a family arrangement along with other family members in respect of the land which was under acquisition and the said land came to be divided and apportioned amongst the Petitioner and family members. Accordingly, the Petitioner became the exclusive owner and occupant of the subject property out of Gat No.249/1. The revenue records have been duly mutated to reflect the Petitioner's ownership and possession.

8. On 23rd October 2019, Respondent No.1 i.e. PMRDA was pleased to grant provisional 'No objection Certificate' in favour of the Petitioner. Also, Tahasildar Mulshi, on 9th September 2020, granted non-agricultural permission in favour of the Petitioner. On 19th March 2021, Respondent No.1-PMRDA carried out the

necessary inspection and granted Plinth Inspection Certificate to the Petitioner in respect of the construction undertaken by the Petitioner on the subject property. Pursuant thereto on 1st January 2024, Respondent No.1 – PMRDA issued building permission and commencement certificate in favor of the Petitioner authorizing the Petitioner to carry out construction on the subject property as per the sanctioned plans. The construction of hotel project comprising ground plus three floors with 14 rooms and 2 banquet halls was duly completed by the Petitioner within the stipulated time.

9. On 27th February 2025, Petitioner addressed an application to Respondent No.1-PMRDA informing that the construction of the Hotel building has been duly completed and the said building/hotel was fit for occupation. On 8th September 2025 the Petitioner applied to Respondent No.1- PMRDA, for permission to obtain zoning and mapping in respect of the subject property .

10. It is only after the Petitioner applied for the aforesaid permission before Respondent No.1- PMRDA that the Petitioner learnt on 10th September 2025, that the Tahasildar Mulshi had given direction to effect mutation entry No.12073 by entering the remark 'Kasarsai Right Canal Acquisition', in respect of the Petitioner's subject property purportedly on the basis of an Award dated 5th November 2003. The mutation entry No. 12073 came to be effected on 12th September 2025, in the revenue records, on the basis of the direction given by Tahasildar, Mulshi.

11. It is the Petitioner's contention that the Petitioner had no idea about passing

of the Award dated 5th November 2003 and it is only after the Petitioner made an application under the Right to Information Act, 2005 that a copy of the aforesaid Award dated 5th November 2003 was obtained, wherein there were several discrepancies.

12. On 14th September 2025, Petitioner addressed an application to Respondent No.8 requesting that no action be taken for certifying mutation entry no. 12073 till a proper hearing was accorded to the Petitioner and the procedure prescribed under law was duly followed. On such backdrop the Petitioner filed Writ Petition No. 11999/2025 in this Court contending that the Award dated 5th November 2003 was illegal, and *non est* in law and could not form the basis of any acquisition proceedings or mutation entries in respect of the Petitioner's subject property. The Petitioner also contended that even assuming that the award was legal and valid, the acquisition proceedings have in any event lapsed in law and hence mutation entry no. 12073 dated 12th September 2025 and the order dated 10th September 2025 passed by Tahsildar Mulshi, be quashed and set aside in respect of the Petitioner's subject property. This Court on 17th September 2025, passed the following order:

1. Leave to amend to implead PMRDA as also the Tahsildar and Sub-Divisional Officer as party respondents. Let the amendment be carried out by tomorrow, i.e., 18 September, 2025. Copy of the amended petition be served on all the parties.

2. Learned AGP to take instructions and a short affidavit in reply can be placed on record before the adjourned date of hearing.

3. List the proceedings on 24 September, 2025 (H.O.B.).

4. The respondents are directed to issue 48 hours notice before any

demolition action or any coercive action is taken against the petitioner's structure.

13. We have heard the parties on both the proceedings. We have also perused the Affidavit in Reply dated 11th December 2025, filed on behalf of Respondent No.3. In the reply affidavit filed by Respondent No.3 of Ms. Sangeeta Rajapurkar Chowgule, Special Land Acquisition Officer No.3, Pune, it has been categorically submitted that after the Award dated 5th November 2003 was passed, an amount of Award of Rs.4,78,023/- was demanded by the Deputy Collector (Coordinating Branch), Pune from the acquiring body on 12th November 2003.

14. After receipt of the letter dated 12th November 2003, by the acquiring body from the office of Respondent No.3, the acquiring body had deposited the aforesaid amount with the office of Deputy Collector (Coordinating Branch), Pune. The said amount was received from the said department on 10th January 2011. However interestingly, the affidavit further states that post the passing of Award dated 5th November 2003, no notice under Section 12(2) of the Land Acquisition Act was issued to any of the land holders as per the said Award, as also the possession of the lands under Award was not taken by Respondent No.3. The relevant paragraphs of the affidavit are reproduced below-

"6. I say that, thereafter, the Award dated 05.11.2003, was passed by my office. After passing of the Award, my office has demanded the amount of Award of Rs. 4,78,023/-, from the acquiring body from 12.11.2003. After receipt of the said letter, the acquiring body has deposited the amount with the office of Deputy Collector, (Coordinating Branch), Pune. The said amount was received from the said Department on 10.01.2011, to this office. Hereto annexed and marked as Exhibit R-4 (Colly) are the copies of the letters dated 12.11.2003 & 10.01.2011.

7. I say that, it appears from the record with this office, it seems that the Notice under Section 12(2) of Land Acquisition Act, 1894, was not

issued to any of the land holders as per the Award dated 05.11.2003. It is further appears from the record that the possession of the lands under the Award was also not taken by this office.”

15. In the aforesaid circumstances, a clear legal position apparent on the face of the record is that the said acquisition has lapsed and for such reason Respondent No.1 ought to have considered the ground reality before taking a decision to withhold the issuance of Completion Certificate of the hotel constructed by the Petitioner on the subject property. Also, the Respondents refusing to delete the mutation entry No. 12073, on the basis of the Award passed on 5th November 2003, would be required to be held to be arbitrary. In our opinion such actions of the Respondents amount to a clear contravention of the provisions of Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as ‘Act of 2013’). Section 24 of the Act of 2013 reads as follows:-

“24. Land acquisition process under Act No. 1 of 1894 shall be deemed to have lapsed in certain cases.–

(1) Notwithstanding anything contained in this Act, in any case of land acquisition proceedings initiated under the Land Acquisition Act, 1894,—

(a) where no award under section 11 of the said Land Acquisition Act has been made, then, all provisions of this Act relating to the determination of compensation shall apply; or

(b) where an award under said section 11 has been made, then such proceedings shall continue under the provisions of the said Land Acquisition Act, as if the said Act has not been repealed.

(2) Notwithstanding anything contained in sub-section (1), in case of land acquisition proceedings initiated under the Land Acquisition Act, 1894 (1 of 1894), where an award under the said section 11 has been made five years or more prior to the commencement of this Act but the physical possession of the land has not been taken or the compensation has not been paid the said proceedings shall be deemed to have lapsed and the appropriate Government, if it so chooses, shall initiate the proceedings of such land acquisition afresh in accordance with the provisions of this Act: Provided that where an award has been made and compensation in respect of a majority of land holdings has not been deposited in the account of the beneficiaries, then, all beneficiaries specified in the notification for

acquisition under section 4 of the said Land Acquisition Act, shall be entitled to compensation in accordance with the provisions of this Act.”
(emphasis supplied)

16. On a plain reading of Section 24(2) of the Act of 2013, it is clear that in case of land acquisition proceedings initiated under the LA Act, wherein an Award under Section 11 has been made, five years or more prior to the commencement of the Act of 2013, but physical possession of the land has not been taken or compensation has not been paid then the said proceedings shall be deemed to have lapsed. On lapsing of the aforesaid proceedings, the appropriate Government, if it so chooses shall initiate the proceedings of land acquisition afresh, in accordance with the provisions of the Act of 2013. The law in this regard is well settled by the Apex Court in the case of **Indore Development Authority v Manoharlal**¹. The relevant paragraphs of the aforesaid ruling are reproduced hereunder :-

“96. Section 24(1)(a) of the 2013 Act read with the non obstante clause provides that in case of proceedings initiated under the 1894 Act the award had not been made under Section 11, then the provisions of the 2013 Act, relating to the determination of compensation would apply. However, the proceedings held earlier do not lapse. In terms of Section 24(1)(b), where award under Section 11 is made, then such proceedings shall continue under the provisions of the 1894 Act. It contemplates that such pending proceedings, as on the date on which the 2013 Act came into force shall continue and taken to their logical end. However, the exception to Section 24(1)(b) is provided in Section 24(2) in case of pending proceedings; in case where the award has been passed five years or more prior to the commencement of the 2013 Act, the physical possession of the land has not been taken, or the compensation has not been paid, the proceedings shall be deemed to have lapsed, and such proceedings cannot continue as per the provisions of Section 24(1)(b) of the 2013 Act.

244. The proviso to Section 24(2) of the 2013 Act, intends that the Collector would have sufficient funds to deposit it with respect to the majority of landholdings. In case compensation has not been paid or deposited with respect to majority of landholdings, all the

¹ (2020) 8 SCC 129

beneficiaries are entitled for higher compensation. In case money has not been deposited with the Land Acquisition Collector or in the treasury or in court with respect to majority of landholdings, the consequence has to follow of higher compensation as per the proviso to Section 24(2) of the 2013 Act. Even otherwise, if deposit in treasury is irregular, then the interest would follow as envisaged under Section 34 of the 1894 Act. Section 24(2) is attracted if acquisition proceeding is not completed within 5 years after the pronouncement of award. Parliament considered the period of 5 years as reasonable time to complete the acquisition proceedings i.e. taking physical possession of the land and payment of compensation. It is the clear intent of the 2013 Act, that provision of Section 24(2) shall apply to the proceeding which is pending as on the date on which the 2013 Act, has been brought into force and it does not apply to the concluded proceedings. It was urged before us by one of the counsel that lands in the Raisina Hills and Lutyens' Zones of Delhi were acquired in 1913 and compensation has not been paid. The 2013 Act applies only to the pending proceedings in which possession has not been taken or compensation has not paid and not to a case where proceedings have been concluded long back, Section 24(2) is not a tool to revive those proceedings and to question the validity of taking acquisition proceedings due to which possession in 1960s, 1970s, 1980s were taken, or to question the manner of deposit of amount in the treasury. The 2013 Act never intended revival of such claims. In case such landowners were interested in questioning the proceedings of taking possession or mode of deposit with the treasury, such a challenge was permissible within the time available with them to do so. They cannot wake from deep slumber and raise such claims in order to defeat the acquisition validly made. In our opinion, the law never contemplates—nor permits—misuse much less gross abuse of its provisions to reopen all the acquisitions made after 1984, and it is the duty of the court to examine the details of such claims. There are several litigations before us where landowners, having lost the challenge to the validity of acquisition proceedings and after having sought enhancement of the amount in the reference succeeding in it nevertheless are seeking relief arguing about lapse of acquisition after several rounds of litigation.

245. The expression used in Section 24(1)(b) is "where an award under Section 11 has been made", then "such proceedings shall continue" under the provisions of the said 1894 Act as if the said Act has not been repealed. The expression "proceedings shall continue" indicates that proceedings are pending at the time; it is a present perfect tense and envisages that proceedings must be pending as on the date on which the 2013 Act came into force. It does not apply to concluded proceedings before the Collector after which it becomes functus officio. Section 24 of the 2013 Act, does not confer benefit in the concluded proceedings, of which legality if questioned has to be seen in the appropriate proceedings. It is only in the pending

proceedings where award has been passed and possession has not been taken nor compensation has been paid, it is applicable. There is no lapse in case possession has been taken, but amount has not been deposited with respect to majority of landholdings in a pending proceeding, higher compensation under the 2013 Act would follow under the proviso to Section 24(2). Thus, the provision is not applicable to any other case in which higher compensation has been sought by way of seeking a reference under the 1894 Act or where the validity of the acquisition proceedings have been questioned, though they have been concluded. Such case has to be decided on their own merits and the provisions of Section 24(2) are not applicable to such cases.

340. Before proceeding further, in our opinion, Section 24 contemplates pending proceedings and not the concluded ones in which possession has been taken, and compensation has been paid or deposited. Section 24 does not provide an arm or tool to question the legality of proceedings, which have been undertaken under the 1894 Act and stood concluded before five years or more. It is only in cases where possession has not been taken, nor compensation is paid, that there is a lapse. In case possession has been taken, and compensation has not been deposited with respect to majority of landholdings, the beneficial provision of the statute provides that all beneficiaries shall be paid compensation as admissible under the 2013 Act. The beneficiaries i.e. landowners contemplated under the proviso to Section 24(2), are the ones who were so recorded as beneficiaries as on the date of issuance of notification under Section 4 of the 1894 Act. The provision is not meant to be invoked on the basis of void transactions, and by the persons who have purchased on the basis of power of attorney or otherwise, they cannot claim the benefit under Section 24 as is apparent from the proviso to Section 24(2) and the decision in Shiv Kumar v. Union of India³⁷³

341. This Court is cognizant that Section 24 is used for submitting various claims, by way of filing applications in the pending proceedings either before the High Court or this Court. There are cases in which in the first round of litigation where the challenge to acquisition proceedings has failed, validity has been upheld, and possession has been taken after passing of the award. It is contended that drawing of panchnama was not the permissible mode to take possession, and actual physical possession remains with such landowners/ purchasers/power of attorney holders as such benefit of Section 24 should be given to them notwithstanding the fact that they have withdrawn the compensation also.

342. This Court is cognizant of cases where reference was sought for enhancement of compensation, money was deposited in the treasury, enhancement was made, and possession was taken. Yet, acquisitions have been questioned, and claims are being made under Section 24, that acquisition has lapsed, as the deposit (of compensation amount)

in the treasury was not in accordance with the law the amount should have been deposited in the Reference Court. Further, this Court also notes that there have been cases in which after taking possession, when development is complete, infrastructure has developed despite which claims are being made under Section 24, on the ground that either the possession has not been taken in accordance with law or compensation has been deposited in the treasury, thus questioning the acquisitions. The decision in Mahavir v. Union of India³⁷⁴ was an instance in which a claim was made that acquisition was made more than a century ago, and compensation has not been paid as such acquisition has lapsed relating to the land of Raisina Hills in New Delhi. The importance of Raisina Hills is well-known to everybody. The grossest misuse of Section 24 has been sought to be made, which is intended to confer benefit. It was never intended to revive such claims and be used in the manner in which it has been today, where large numbers of acquisitions and development projects, such as construction of roads, hospitals, townships, housing projects, etc. are sought to be undone, though such acquisitions have been settled in several rounds of litigation. In several matters, the validity has been questioned under the guise as if the right has been conferred for the first time under the 2013 Act, claiming that such acquisitions have lapsed. There are also cases in which the claims for release of land under Section 48 of the 1894 Act have been dismissed. Now, claims are made that as land is open and landowners/intermediaries/PoA-holders continue to be in physical possession, thus, it should be returned to them, as the acquisition has lapsed under Section 24(2). Before us also arguments have been raised to grant relief in all such cases by making purposive interpretation of benevolent provisions. It was urged that this Court is bound to give relief as Section 24 is retrospective in operation, and the authorities have not cared to take possession for more than five years or more, and they have not paid the compensation and deposited it in treasury which cannot be said to be legal. It is declared that the acquisition has lapsed, and the land is given back to them. In case any infrastructure is existing, the State Government should acquire the land afresh after following the process of 2013 Act. Earlier, injustice was done to landowners, as observed in various decisions mentioned above. We should not disturb the decisions of this Court and are bound to follow the law laid down in Pune Municipal Corpn.' and the principle of stare decisis.

343. By and large, concluded cases are being questioned by way of invoking the provisions contained in Section 24. In our considered opinion, the legality of concluded cases cannot be questioned under the guise of Section 24(2) as it does not envisage or confer any such right to question the proceedings and the acquisitions have been concluded long back, or in several rounds of litigation as mentioned above, rights of the parties have been settled.

345. Section 24(2) is sought to be used as an umbrella so as to question the concluded proceedings in which possession has been

taken, development has been made, and compensation has been deposited, but may be due to refusal, it has not been collected. The challenge to the acquisition proceedings cannot be made within the parameters of Section 24(2) once panchnama had been drawn of taking possession, thereafter re-entry or retaining the possession is that of the trespasser. The legality of the proceedings cannot be challenged belatedly, and the right to challenge cannot be revived by virtue of the provisions of Section 24(2). Section 24(2) only contemplates lethargy/inaction of the authorities to act for five years or more. It is very easy to lay a claim that physical possession was not taken, with respect to open land. Yet, once vesting takes place, possession is presumed to be that of the owner i.e. the State Government and land has been transferred to the beneficiaries, corporations, authorities, etc. for developmental purposes and third-party interests have intervened. Such challenges cannot be entertained at all under the purview of Section 24(2) as it is not what is remotely contemplated in Section 24(2) of the 2013 Act.

359. The entire gamut of submissions of the landowners is based on the misinterpretation of the provisions contained in Section 24. It does not intend to divest the State of possession (of the land), title to which has been vested in the State. It only intends to give higher compensation in case the obligation of depositing of compensation has not been fulfilled with regard to the majority of holdings. A fresh cause of action in Section 24 has been given if for five years or more possession has not been taken nor compensation has been paid. In case possession has been taken and compensation has not been deposited with respect to the majority of landholdings, higher compensation to all incumbents follows, as mentioned above. Section 24 does not confer a new cause of action to challenge the acquisition proceedings or the methodology adopted for the deposit of compensation in the treasury instead of Reference Court, in that case, interest or higher compensation, as the case may be, can follow. In our considered opinion, Section 24 is applicable to pending proceedings, not to the concluded proceedings and the legality of the concluded proceedings, cannot be questioned. Such a challenge does not lie within the ambit of the deemed lapse under Section 24. The lapse under Section 24(2) is due to inaction or lethargy of authorities in taking requisite steps as provided therein.

360. We are also of the considered opinion that the decision in an earlier round of litigation operates as *res judicata* where the challenge to the legality of the proceedings had been negated and the proceedings of taking possession were upheld. Section 24 does not intend to reopen proceedings which have been concluded. The decision in *Mathura Prasad Bajoo Jaiswal*¹² is of no avail. Similar is the decision in *Anil Kumar Gupta v. State of Bihar*¹⁴. No doubt about it that proceedings (i.e. the original acquisition, or aspects relating to it) can be questioned but within a reasonable time; yet once the challenge has been made and failed or has not been made

for a reasonable time, Section 24 does not provide for reopening thereof.

361. So far as the proposition laid down in Ram Chand v. Union of India⁴¹⁵ is concerned, inaction and delay on the part of acquiring authorities have been taken care of under Section 24. The mischief rule (or Heydon's Mischief Rule) was pressed into service on behalf of landowners relying upon the decision in Bengal Immunity Co. Ltd. v. State of Bihar³⁶, it was submitted that the 1894 Act did not provide for lapse in the case of inordinate delay on the part of acquiring authorities to complete the acquisition proceedings. Mischief has been sought to be cured by the legislature by introducing the 2013 Act by making provisions in Section 24 of the lapse of proceedings. The submission is untenable. The provisions made under Section 24 have provided a window of 5 years to complete the acquisition proceedings, and if there is a delay of 5 years or more, there is a lapse and not otherwise. The provision cannot be stretched any further, otherwise, the entire infrastructure, which has come up, would have to go and only the litigants would reap the undeserving fruits of frivolous litigation, having lost in several rounds of litigation earlier, which can never be the intendment of the law.

362. We are of the considered opinion that Section 24 cannot be used to revive dead and stale claims and concluded cases. They cannot be inquired into within the purview of Section 24 of the 2013 Act. The provisions of Section 24 do not invalidate the judgments and orders of the Court, where rights and claims have been lost and negated. There is no revival of the barred claims by operation of law. Thus, stale and dead claims cannot be permitted to be canvassed on the pretext of enactment of Section 24. In exceptional cases, when in fact, the payment has not been made, but possession has been taken, the remedy lies elsewhere if the case is not covered by the proviso. It is the Court to consider it independently not under Section 24(2) of the 2013 Act.

366.3. The word "or" used in Section 24(2) between possession and compensation has to be read as "nor" or as "and". The deemed lapse of land acquisition proceedings under Section 24(2) of the 2013 Act takes place where due to inaction of authorities for five years or more prior to commencement of the said Act, the possession of land has not been taken nor compensation has been paid. In other words, in case possession has been taken, compensation has not been paid then there is no lapse. Similarly, if compensation has been paid, possession has not been taken then there is no lapse."

17. The aforesaid decision of the Apex Court has been upheld by a Division Bench of this Court in the case of **Sakharam Govinda Kadam v. State of**

Maharashtra². The relevant paragraphs of the decisions rendered by this Court are reproduced below:-

“54. Thus, the petitioners have established that they continue possessing the said properties. The State has not discharged the onus of proving that it had taken over the possession of the said properties either by drawing out a panchanama or any other credible modes acceptable under the law. It is not even the State's case that the petitioners re-entered the said properties after it had lawfully taken over the possession of the said properties from the petitioners. There is no dispute whatsoever that no compensation amount was ever offered or tendered to the petitioners. Even Section 12(2) notices were admittedly not given to the petitioners.

55. The twin contingencies prescribed in Section 24(2) of the 2013 Act are thus fulfilled. In this case, possession of the said properties was not taken over, even though the award was made on 25-2-2001. Compensation was also neither offered nor tendered to the petitioners since the award was made on 25-2-2001.

56. Therefore, following the law in Indore Development Authority case, the impugned acquisition will have to be declared as lapsed, leaving it open to the State Government, if it so chooses, to initiate proceedings for the acquisition of the said properties afresh in accordance with the provisions of the 2013 Act. We declare and order accordingly.”

18. In the facts of the present case and on the basis of submissions made in the affidavit dated 11th December 2025, filed on behalf of Respondent No.3 it is clear that the land acquisition Award in question was published on 5th November 2003 (i.e. 22 years back) and no steps in furtherance thereto have been taken by any of the Respondents. The award had remained to be a proper award. Considering the clear provisions of Section 24(2) of the Act of 2013, the said Award dated 5th November 2003 hence has lapsed consequently thereto the Respondents cannot act upon the Award, to retain any mutation entry and on such basis deny the

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completion/occupation certificate to the Petitioner in respect of the hotel constructed on the subject property by the Petitioner. The other Respondents do not controvert the position taken by Respondent No.3 in the affidavit dated 11th December 2025.

19. We therefore deem it appropriate to allow the Writ Petition in terms of the following order:-

ORDER

- (i) Respondent No.1 shall not withhold any permissions including to issue the Completion/ Occupation Certificate in respect of construction undertaken by the Petitioner, on the subject property (Gat No. 249/1 admeasuring 8R) on the basis of the land in question being subject matter of acquisition under this award dated 5th November 2003, which has lapsed as the provisions of Section 24(2) of the Act of 2013.
- (ii) On all the other necessary compliances Respondent No.1- PMRDA shall grant the requisite permissions i.e. Occupation Certificate/Commencement Certificate in respect of the construction in question in accordance with law.
- (iii) Writ Petition is disposed of in the above terms. No Costs.

WRIT PETITION NO. 13364 OF 2025

- 1. In view of similar reliefs prayed for in the aforesaid Petition, the same also is disposed of in terms of the order passed in Writ Petition No.11999 of 2025.
- 2. Writ Petition No. 13364 of 2025, disposed of. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)