



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

WRIT PETITION NO. 7398 OF 2024

Smt.Punambai w/o Ramjan Ghatte

-Vs.-

State of Maharashtra and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's Orders.
or directions and Registrar's orders.

Mr. S.I.Ghatte, Adv. for the petitioner.
Mr. A.S.Fulzele, Addl.GP for the respondents-State.

**CORAM : AVINASH G. GHAROTE &
ABHAY J. MANTRI, JJ.**

DATE : 16TH JANUARY, 2025

Heard Mr.Ghatte, learned counsel for the petitioner
and Mr.Fulzele, learned Addl.GP for the respondents-State.

2. At the outset, learned counsel for the petitioner
seeks to correct prayer clause No.1 by replacing the date
“26/02/2019” by “18/10/2019”. The amendment is
allowed. The same be carried out forthwith.

3. The petition questions the order dated 18/10/2019
(Pg.93) by which the representation made by the petitioner
for grant of compensation in terms of the RTTFLR Act has
been rejected.

4. Mr.Ghatte, learned counsel for the petitioner in
support of the claim, places reliance upon the proviso to
Section 24(2) of the RTTFLR Act to contend, that since the
other persons have not been granted compensation, the

petitioner would be entitled to grant of compensation under the Act of 2013.

5. Mr.Fulzele, learned Addl.GP opposes the contention and submitting that the entire process was already complete before the coming into force of the Act of 2013.

6. The petitioner, who was the owner of Survey No.333, Mouza Saikhed, Tahsil Sangrampur, executed and registered a sale deed on 23/08/2011 for a valuable consideration in favour of the respondent No.3 on which date the possession was delivered and the consideration received. It would be therefore apparent that all the right, title and interest to the aforesaid land admeasuring 0.83 HR of Survey No.333, was lost by the petitioner on 23/08/2011 itself.

7. The proviso to section 24(2) comes into picture only when an award has been passed and compensation in respect of a majority of land holdings has not been deposited in the account of the beneficiaries. In the instant case, since the acquisition is by way of a sale deed dated 23/08/2011, the question of passing of any award does not arise at all. The execution and registration of a sale deed by the petitioner is a voluntary act of divesting himself of right, title and interest in the land in question, and once having done so, it is not permissible for him to turn back and claim additional compensation on account of any factor, much less the proviso to Section 24(2). Though the learned counsel places reliance upon the judgment in *Datta*

Vaijnath Andhale and others. v. State of Maharashtra and others, (Writ Petition 1694 of 2017 decided on 25/09/2018), that was a case, in which the acquisition was completed after coming into force of the Act of 2013 and the land owners had lost their possession thereafter on account of which, the same will clearly not be attracted. Further reliance upon **Daulat Sitaram Kodone and others v. State of Maharashtra and others, (2014) 13 SCC 341** is also of no assistance for the reason, that the case under consideration therein, was in respect of contract which was entered into by the land owners with the VIDC, which was in terms of a resolution by the VIDC dated 13/12/2006, that the project affected persons who did not want plot of lands may be given compensation of Rs.50,000/- in terms of which, the plots were surrendered and compensation was given to them. It was therefore a case where the right still continued to exist in the land owners.

8. Considering the factual position as above, we are not inclined to interfere in the impugned order, which takes into consideration the fact, that there is a voluntary deed of sale registered by the petitioner in favour of the respondent No.3 on 23/08/2011, which evidences delivery of possession and receipt of compensation also.

9. In view of the above, the petition stands dismissed. No costs.

(ABHAY J. MANTRI,J)

(AVINASH G. GHAROTE, J)