



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6972 OF 2019
WITH
CIVIL APPLICATION NO.2488 OF 2024
IN
WRIT PETITION NO.6972 OF 2019

1. Shivram Poma Chavan
 2. Bajirao Devidas Jadhav
 3. Namdev Devidas Jadhav
 4. Bhoju Dhana Pawar (Died)
through LRs Dhondiba Bhoju Pawar,
 5. Vitthal Manika Kolgir
 6. Manika Sambhaji Kolgir
 7. Pandu Rekha Pawar (Died)
through LRs Anil Pandu Pawar,
 8. Namdev Maruti Chavan
 9. Jijabai Vitthal Pawar (Died)
through LRs Vitthal Thawara Pawar,
 10. Punda Dhana Pawar (Died)
through LRs. Arvind Punda Pawar
 11. Soma Poma Chavan
 12. Shesharao Dhansing Pawar (Died)
through LRs Vijay Shesharao Pawar,
 13. Devidas Tulshiram Jadhav
 14. Namdev Rokdoba Narwate
 15. Vitthal Lalu Pawar (Died) through
LRs Narayan Vitthal Pawar,
 16. Chatru Kalu Pawar (Died) through
LRs Laxman Chatru Pawar
- ... PETITIONERS

VERSUS

1. The State of Maharashtra,
through its Secretary, Revenue and
forest department, Mantralaya, Mumbai - 32.
2. The Commissioner,
Aurangabad Division, Aurangabad.

3. The District Collector, Nanded,
District Nanded.
4. Special Land Acquisition Officer,
Percolation Tank(LASIKA) No.1,
Nanded, Dist. Nanded.
5. The Executive Engineer,
Minor Irrigation Local Sector,
Nanded Division, Nanded.

... **RESPONDENTS**

...
Advocate for the Petitioner : Mr. S.N. Patil h/f. Mr. Sham B. Patil
AGP for Respondent Nos.1 to 5 : Mr. S.S. Dande
...

**CORAM : NITIN B. SURYAWANSHI &
ABASAHEB D. SHINDE, JJ.**

Date : 08.06.2026

ORDER (ABASAHEB D. SHINDE, J.) :

1. Heard. By this writ petition filed under Article 226 of the Constitution of India, the petitioners are seeking following main reliefs :

“B) By a writ of certiorari or any other appropriate writ, order or direction award dt. 20-04-2010 in File No.2003 L.A./M.I./SR/CR-14 passed by the respondent No.4 may kindly be quashed and set aside.

(C) By a writ of mandamus or any other appropriate writ, order or directions the respondents may kindly be directed to pass a fresh award in File No.2003 L.A./M.I./SR/CR-14 as per The Right to fair compensation and Transparency in Land Acquisition,

Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) and pay the amount of compensation to the petitioners forthwith.”

2. Admittedly, the agricultural lands of the petitioners situated at Ramanaik Tanda, Taluka Kandhar, District Nanded, are acquired for the purpose of construction of Narpatwadi Percolation Tank. Physical possession of the petitioners’ lands were taken on 04.06.2003. Notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter called as ‘the Act of 1894’), was issued on 30.09.2004. The declaration under Section 6 of the Act of 1894, was published in Government Gazette on 21.06.2007. The notice under Section 9 of the Act of 1894, was issued to the petitioners on 26.06.2007. The petitioners, however, contend that the petitioners have not received communication about completion of the award or compensation amount. According to the petitioners the award has lapsed and therefore the respondents be directed to initiate fresh land acquisition proceeding under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short “Act of 2013”).

3. Learned counsel for the petitioners made two-fold submissions. According to him the impugned award stands lapsed for noncompliance of Section 11-A of the Act of 1894, since the

Collector has failed to make an award within a period of two years from the date of publication of the declaration. His second limb of argument is, assuming though not admitting that the award under Section 11 is made, since the petitioners have not received notice under Section 12(2) of the Act of 1894, as such no award can be said to have been made by the Collector as envisaged under Section 11-A of the Act of 1894. He, therefore, urged that the entire proceeding for acquisition of lands stands lapsed.

4. On the other hand, learned AGP relying on the affidavit-in-reply filed by the respondents would submit that the award under the Act of 1894, was passed on 20.04.2010, within five years prior to commencement of Act of 2013. The possession of the lands of petitioners were taken on 04.06.2003, by way of private negotiation and the work was actually commenced. He thus submit that as per Section 24(2) of the Act of 2013, after passing award and taking possession of lands, a fresh land acquisition award cannot be passed under the said Act.

5. Heard learned counsel for the petitioners and learned AGP for the respondents. Before adverting to the rival submissions, it would be apt to refer to the provisions of Section 11-A and 12 of the Act of 1894 are as follows :

“11-A Period within which an award shall be made

(1) The Collector shall make an award under section 11 within a period of two years from the date of the publication of the declaration and if no award is made within that period, the entire proceedings for the acquisition of the land shall lapse:

Provided that in a case where the said declaration has been published before the commencement of the Land Acquisition (Amendment) Act, 1984, the award shall be made within a period of two years from such commencement.

Explanation. In computing the period of two years referred to in this section, the period during which any action or proceeding to be taken in pursuance of the said declaration is stayed by an order of a Court shall be excluded.]

12 Award of Collector when to be final -

(1) Such award shall be filed in the Collector's office and shall, except as hereinafter provided, be final and conclusive evidence, as between the Collector and the persons interested, whether they have respectively appeared before the Collector or not, of the true area and value of the land, and the apportionment of the compensation among the persons interested.

(2) The Collector shall give immediate notice of his award to such of the persons interested as are not present personally or by their representatives when the award is made.”

6. Section 11-A mandates the Collector to make an award under Section 11 within a period of two years from the date of publication of declaration and if no award is made within that period, the entire proceeding for the acquisition of land stands

lapsed. In the present case, admittedly, the date of declaration under Section 6 as well as the issuance of notice under Section 9 (3) and (4) is 26.06.2007, whereas, the award has been made on 20.04.2010, meaning thereby, the award has been passed beyond the period of two years from the date of declaration under Section 6 and issuance of notice under Section 9(3) and (4) of the Act of 1894.

7. As per Section 12(2) of the Act of 1984 the Collector is required to issue notice of his award to the person interested in the property acquired. Unless notice as contemplated under Section 12(2) is given to the person interested in the property acquired the award does not become final. In the present case it appears that though the award has been passed on 20.04.2010, the notices under Section 12(2) of the Act of 1894, have not been served on the petitioners.

8. Learned AGP does not dispute the above legal position.

9. In view of the above settled legal position, we find that, failure on the part of the Collector to make an award within a period of two years from the date of publication of the declaration, as contemplated under Section 11-A, as well as service of notices under Section 12(2) of the Act of 1894, results into lapsing of entire

proceedings for acquisition of petitioners lands.

10. In that view of the matter, the award dated 20.04.2010 in File No.2003 L.A./M.I./SR/CR-14, passed by respondent No.4, is quashed and set aside as lapsed. The respondent shall initiate fresh land acquisition proceedings in accordance with the Act of 2013 within a period of six weeks from the date of receipt of this order, and shall complete it within the time stipulated in the Act of 2013.

11. In view of disposal of writ petition, pending civil application also stands disposed of.

(ABASAHEB D. SHINDE, J.)

(NITIN B. SURYAWANSHI, J.)

habeeb/