IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7505 OF 2016

Mr. Aananda Shankar Kasale And Others ...Petitioners

Versus

The Land Acquisition Officer No. 12, Kolhpaur And Others. ...Respondents

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Ms. Divya Arvind Pawar Patil a/w Ms. Trupti T. Padekar a/w Ms. Manasa M. Koshti For Petitioners

Mr. R.P. Kadam, 'B' Panel Counsel for the Respondent-State.

CORAM : SHARMILA U. DESHMUKH & ABHAY J. MANTRI, JJ.

DATE : OCTOBER 28, 2026

P. C. :

1. By the present Petition, the Petitioners seek lapsing of acquisition under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ("**Fair Compensation Act"**) on the ground that they are in physical possession of the subject property and that no compensation has been deposited by the Respondent Authority in the Court.

2. The facts as pleaded in the Petition are that the Respondent Acquisition Officer had issued notice on 30th July, 2010 for acquisition of the subject land for rehabilitation of the people affected by Sarfnalla

Project, and an objection was taken on the ground of the Petitioners having less than four acres of land. Section 6 declaration was published on 4th September, 2012, to which objection was taken by the Petitioners in the year 2012, which came to be rejected by the Divisional Commissioner. Section 11 award was passed on 7th November, 2014. On 9th February, 2015, the Respondent Authority issued a notice under Section 12(2) of the Land Acquisition Act, 1894 intimating the Petitioners that possession would be taken on 20th February, 2015. It is stated that the Respondent Authority has not taken possession of the Petitioners' agricultural land till date.

3. Initially, the Petition came to be filed seeking quashing of the acquisition proceedings. Subsequently, the Petition came to be amended seeking lapsing of reservation under Section 24(2) of the Fair Compensation Act on the ground that neither compensation has been paid nor possession has been taken.

4. Learned counsel appearing for the Petitioners submits that she has limited instructions. She would further submit that as the possession has not been taken and compensation has not been paid, there is a lapsing of acquisition.

5. Learned AGP would point out that Section 12(2) notice has been annexed by the Petitioners to the present Petition and, therefore, the compensation was tendered which has not been accepted by the

Petitioners, and the same is now deposited in the Personal Ledger Account. He would submit that on 20th February, 2015, possession has been taken, which is evident from the possession receipt annexed to the affidavit in reply. He submits that in view thereof, the relief of lapsing cannot be granted.

6. We have considered the submissions and perused the record.

7. The Petitioners have themselves annexed the notice issued under Section 12(2) and Section 16 of the Land Acquisition Act, calling upon the Petitioners to accept the compensation and to hand over the possession. The Hon'ble Apex Court in the case of ***Indore Development Authority v. Manoharlal and Others***[1] has settled the position and has held that it is not necessary that the compensation is required to be deposited in the Court and compensation is considered "Paid" if it is deposited in a government treasury or Court account or directly with beneficiaries. It has held that "Paid" means the compensation has been tendered/offered to the Petitioners.

8. In the present case, the notice under Section 12(2) of the Land Acquisition Act offers the compensation to the Petitioners and the Petitioners have refused to accept the compensation, and therefore, it cannot be said that the acquisition has lapsed by reason of non-deposit of the compensation in the Court. The compensation amount is

1 **(2020) 8 SCC 129**

deposited in the Personal Ledger Account and it is open for the Petitioners to withdraw the same.

9. The possession receipt which has been placed on record demonstrates that possession has been taken, and even assuming that possession of the agricultural land is still with the Petitioners, considering the enunciation of law by the Hon'ble Apex Court in the case of ***Indore Development Authority*** (supra), there can be no lapsing of acquisition under Section 24(2) of the Fair Compensation Act as the compensation was tendered and the ingredients of Section 24(2) are not satisfied. We are therefore not inclined to grant any relief.

10. The Petition stands dismissed.

[ABHAY J. MANTRI, J.] **[SHARMILA U. DESHMUKH, J.]**