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

WRIT PETITION NO. 1954 OF 2019

Sanjay Rajaram Patil And Another ...Petitioners

Versus

The State Of Maharashtra, Through Secretary And Others ...Respondents

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Mr. Ketan Patil i/b Mr. Dhairyasheel Sutar, for the Petitioners.
Mrs. S.D.Vyas, Addl. GP a/w Mr. A.P.Vanarase, AGP for the Respondent-State.

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

DATE : NOVEMBER 03, 2026

P. C. :

1. The Petition was called out in the morning session and kept back in the afternoon session.

2. Learned counsel for the Petitioners submits that no instructions have been received from the Petitioners. We have therefore proceeded to decide the Petition on the basis of documents which have come on record.

3. We have perused the papers and proceedings with the assistance of learned AGP.

4. By the present Petition, the Petitioners seek a direction of lapsing of acquisition in view of Section 24(2) of the Right to Fair Compensation

and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short "**Fair Compensation Act**"). The Petition pleads that acquisition proceedings were initiated in respect of the subject lands in the year 1983. Section 4 notification was published on 7th July, 1983 and declaration under Section 6 was issued on 24th June, 1986. Section 11 Award was passed on 24th November, 1988. The Petition further pleads that the possession was taken as per Respondent No. 2's order on 25th April, 1997 and the land came to be allotted to the project affected persons ("**PAPs**"). Mutation Entry Nos. 3628 and 14481 was effected and name of PAPs was entered in the owner's column in the record of rights. However, for Gat No. 229/8B, the Respondent No. 2's name is shown in the record of rights. It is stated that factually the physical possession has always been with the Petitioners, and the Petitioners are in possession and cultivation of land bearing Gat No. 229/8B. It is further pleaded that after taking possession of the land, the Respondent No. 3 was duty bound to pay compensation, however for the last 30 years, no compensation has been paid.

5. Based on the said facts, it is pleaded that as the compensation is not paid, the entire proceedings of acquisition are vitiated under the new Act of 2013. The Petition further sets out the grounds on which the relief is claimed and ground III states that as the Respondent authorities have not compensated the Petitioners in view of acquisition of acquired

lands, the acquisition proceedings is deemed to have been lapsed. Ground VI states that though the possession of land bearing Gat No. 229/8B is taken over, and name of Respondent No. 3 is shown in 7/12 extract, the same is on paper and the Petitioners are in possession of the land.

6. In the reply affidavit, it is stated that the Petitioners had preferred Writ Petition No. 2011 of 1987 and hence notice under Section 12(2) of the LA Act was not given to the Petitioners. It is stated that the compensation due for the acquired land was remained unpaid, as some of the land holders rushed to this Court, and hence, unpaid amount was returned to the Government. It is further stated that after disposal of the Writ Petition filed by the Petitioners, notice under Section 16 of the LA Act was served upon the Petitioners informing the Petitioners to remain present on the spot at the time of taking possession of the land and the possession of the land was taken vide kabjepatti dated 5th May, 1997.

7. Though the affidavit-in-reply has been filed in July 2026, there is no rejoinder to the said affidavit, and therefore, the statements made in the affidavit-in-reply remain uncontraverted.

8. The acquisition was in respect of land bearing Gat Nos. 229/2A, 229/2B and 229/8B. Insofar as Gat Nos. 229/2A and 229/2B are concerned, it is the Petitioner's own pleading that the possession of the

land has been taken over, and hence, considering the decision of the Hon'ble Apex Court in the case of ***Indore Development Authority vs Manoharlal And Others***[1], there is no lapsing of acquisition insofar these two Gat Numbers are concerned. Insofar as Gat No. 229/8B is concerned, it is stated in the Petition that the possession of the said land is still with the Petitioners. In the reply affidavit, the Respondent has annexed the copy of notice under Section 16 of the LA Act addressed to the Petitioner No. 2 and the possession receipt dated 5th May, 1997, which evidences that the possession of the said land has been taken over by the Respondent. There is no rejoinder filed disputing the documents. The drawing up of possession panchnama amounts to taking physical possession by the State. Even if it is accepted for the moment that the possession of the land was not taken over under the said kabjepatti, it is specifically pleaded that the compensation due for the acquired land remained unpaid, as the Petition came to be filed and the unpaid amount was returned to the Government. The filing of Petition constitutes refusal to receive the amount tendered. The decision of the Hon'ble Apex Court in the case of ***Indore Development Authority*** (supra) is clear, and it is only when the possession has not been taken and the compensation has not been paid that there would be any lapsing of acquisition.

1 (2020) 8 SCC 129

9. In the present case, the records would indicate that the possession of the land has been taken and the compensation has been deposited in the Personal Ledger Account ("**PLA**"). In view thereof, there is no lapsing of acquisition.

10. Resultantly, the Petition fails and stands dismissed.

11. Needless to clarify that the compensation amount deposited in the PLA is permitted to be withdrawn by the Petitioners.

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