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

WRIT PETITION NO. 8954 OF 2022

Bhimrao Vitthal Patil and Another. ...Petitioners.

Versus

The State of Maharashtra and Others. ...Respondents.

Dr. Uday Warunjikar and Neha G. Deshpande for the Petitioner.
Ms. Tejas J. Kapre, AGP for the Respondent-State.

Coram : Sharmila U. Deshmukh & Abhay J. Mantri, JJ.

Date : November 25, 2026.

P. C. :

1. By the present petition, the Petitioner seeks a declaration of lapsing of acquisition under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. In paragraph No. 4 of the petition it is pleaded that till date, possession of the subject land has not been taken by the Respondent, and the Petitioner and their father have received total compensation of Rs.4,46,538/- in respect of their acquired land, and that the Petitioner is ready and willing to return the amount of compensation.

3. Learned Counsel appearing for the Petitioner would submit that under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, since the possession is still with the Petitioner and the Petitioner is willing to return the amount of compensation, acquisition proceedings stand lapsed.

4. Learned AGP would contend that in view of the decision of the Hon'ble Apex Court in the case of ***Indore Development Authority vs. Manoharlal***[1], as there is admission that the compensation has been received, there is no lapsing of reservation.

5. The issue is no longer *res integra* as has been settled by the Hon'ble Apex Court in the case of ***Indore Development Authority vs. Manoharlal*** (supra), that for the applicability of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the expression **"or"** in the said Section has to be read as **"and",** and it is only in case where the possession has not been taken and the compensation has not been received that the lapsing would occur.

6. In the present case, the Petitioner himself admits of the compensation having been received. There is no provision in the Land Acquisition Act, 1894 or the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, under which the compensation which has been received can be returned by the Petitioner. In view thereof, there is no merit in the petition. Petition fails and stands dismissed.

[Abhay J. Mantri, J.] **[Sharmila U. Deshmukh, J.]**

1 (2020) 8 SCC 129.