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

WRIT PETITION NO. 622 OF 2018

Abaso Sitaram Salunkhe and others.] Petitioners
versus
State of Maharashtra and others] Respondents

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Mr. Kalpesh Uttamrao Patil, Advocate for Petitioners.

Ms. Vaishali S. Nimbalkar, A.G.P, for Respondent Nos.1 to 6 – State.

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SHAILAJA SHRIKANT HALKUDE
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Date: 2026.11.04 18:42:33 +0530

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

DATE : NOVEMBER 04, 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 (for short " Act of 2013") in respect of agricultural land bearing Gat No.281 (part).

2. The Petition pleads that section 4 Notification was issued on 17th May, 2000 and section 7 Notification was issued on 2nd August, 2001. The award under section 11 of the Land Acquisition Act was issued on

31st July, 2003. It is pleaded that the Petitioners are in actual possession and occupation of the property and compensation has not been paid to the Petitioners.

3. Learned Counsel appearing for the Petitioners would point out the specific pleadings in the Petition that the possession is still with the Petitioners. He would further submit that by virtue of section 24 (2) of the Fair Compensation Act, as the award was made five years prior to the commencement of the Act of 2013 and compensation has not been paid as well as physical possession of the property has not been taken, the land acquisition proceedings lapsed.

4. Per contra, learned A.G.P would point out the Affidavit-in-reply and the copy of possession receipt dated 29th January, 2008 and would contend that the physical possession of the land has been taken, the name of the Government is recorded in 7/12 extract and the acquired land is also allotted to the Projected Affected Persons of Wang Marathwadi Project. She would further submit that the notice under section 12 (2) of the Land Acquisition Act was served upon the Petitioners and as the compensation amount was not accepted, the same is deposited in the Personal Ledger Account of the Special Land Acquisition Officer.

5. We have considered the submissions and perused the record. The law is settled by the decision of the Hon'ble Apex Court in ***Indore Development Authority v. Manoharlal*** **and others**[1]**,.** The lapsing of the acquisition takes place under section 24 (2) of the Act of 2013 only if the possession had not ben taken and compensation has not been paid. In the present case, the reply affidavit places on record the Kabjepatti which is executed under section 16 of the Land Acquisition Act evidencing the taking over possession. It is also specifically pleaded that acquired land is allotted to the project affected persons. It is, therefore clear that the ingredients of section 24 (2) of the Act of 2013 are not satisfied. Resultantly, there is no lapsing of acquisition.

6. The Petition fails and stands dismissed.

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

1 (2020) 8 SCC 129