

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

WRIT PETITION NO.2655 OF 2019

Bapuso Balgonda Patil
(Since Deceased) Through Lrs

1. Ashok Bapuso Patil
Age – 67 yrs., Occu. Agriculture,
 2. Ramesh Bapuso Patil
Age – 55 yrs., Occu. Agriculture,
 3. Mayur Arvind Patil
Age – 33 yrs., Occu. Agriculture,
 4. Smt. Shobha Arvind Patil
Age – 46 yrs., Occu. Agriculture & Household,
All R/o. Chipri, Tal. Shirol,
Dist. Kolhapur
-Petitioners

Vs.

1. The State Of Maharashtra
Through Director of Resettlement,
Revenue & Forest Department,
Mantralaya, Mumbai – 400 032
 2. Collector,
District Kolhapur
 3. The District Resettlement Officer &
Deputy Director, Resettlement Kolhapur.
 4. The Special Land Acquisition Officer, No.14
Kolhapur
 5. The Villlage Talathi,
Mouje Chipri, Tal. Shiro, Dist. Kolhapur
-Respondents

**WITH
INTERIM APPLICATION (ST) NO.19017 OF 2023**

Dhondiram Shrawan Gholap
(Since Deceased) Through LrsApplicant

IN THE MATTER BETWEEN:

Bapuso Balgonda Patil & Ors.Petitioners

Vs.

The State Of Maharashtra & Ors.Respondents

Mr. Tejpal Ingale with Ms. Vrunali Vilankar and Mr. Sourabh Patil, for the Petitioners.

Mr. Kedar Lad with Ms. Poonam Photre i/b Mr. P. D. Dalvi, for Applicant.

Mr. R. P. Kadam, AGP for the Respondent-State.

CORAM: ANIL L. PANSARE,

RANJITSINHA RAJA BHONSALE, JJ.

DATED: 05th MAY 2026

ORAL JUDGMENT: (PER:- ANIL L. PANSARE, J.)

1. Rule. Rule made Returnable forthwith.
2. Learned counsel for the Applicant, on instructions, seeks permission to withdraw the Application with liberty to the Applicant to avail such remedy as may be available in law. Permission is granted. The Application is **disposed** of as withdrawn, with the liberty as prayed.
3. The Petitioners have approached this Court by invoking the

provision of sub-section (2) of Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short “the Act”), seeking lapsing of acquisition proceedings bearing No. LQN/SR/5/83 and the impugned Award dated 15.03.1988 passed by Respondent No.4, the Special Land Acquisition Officer No.14, Kolhapur, in respect of the Petitioners’ land bearing Gat No. 235, admeasuring 0 H 42 R, situated at Chipri, Taluka Shirol, District Kolhapur.

4. Learned counsel for the Petitioners submits that the award in question was passed on 15th March 1988. However, Respondent No. 4 has neither taken possession of the land till date, nor paid compensation to the Petitioners.
5. In response to the said contentions, Respondent Nos. 1 to 4 have filed an affidavit stating therein that the award was passed on 21st March 1988. In the award, it is mentioned that payment of compensation in respect of the land in question shall be made after the decision is taken by the Commissioner in Revision Application filed by the Petitioners. The Respondents have not

disclosed the status of the said Revision Application.

6. Learned counsel for the Petitioners submits that the Revision Application was filed by the landowners under Section 48 of the Land Acquisition Act, 1894. He further submits that they are not aware whether any decision has been taken by the Commissioner.
7. When we enquired, learned AGP is also unaware of the status of the Revision Application.
8. In our view, Respondent No.4 ought to have disclosed the status of the Revision Application in its reply. The silence on this point ought to have been avoided. The authority should come clean and assist the Court, particularly when the matter pertains to acquisition of the land of a citizen.
9. Be that as it may, it appears from the reply that notice under Section 12(2) of the Land Acquisition Act, 1894 was not given to the Petitioners. The reason is that the compensation amount was not demanded from the Irrigation Department.

10. Thus, it appears that compensation has been not paid to the Petitioners.
11. So far as possession is concerned, the Respondents have come up with a case that Respondent No. 3 has, on 12th July 2019, vide Mutation No. 6808, taken possession of the land. The Petitioners have disputed such status.
12. Put all together, what transpires is that the award was passed on 21st March 1988. The Respondents have not paid compensation to the Petitioners till date. The possession has been taken subsequent to the filing of the Petition. So far as proof of possession is concerned, the Respondents are relying upon the Mutation Entry.
13. We have gone through the 7/12 extract, which indicates that the name of Respondent No.2 is mutated in terms of the possession panchnama. The Petitioners have disputed such status saying that no such punchnama was ever drawn.
14. When we enquired with learned AGP as to why is possession panchnama not annexed with the reply, he was not able to give

any satisfactory answer.

15. Thus, the vital document has been suppressed by the Respondents, which would only mean that possession has been not taken. In any case, the Respondents have failed to take possession for the period from 1988 till the filing of the Petition.
16. Section 24 of the Act provides that in case of land acquisition proceedings initiated under the Land Acquisition Act, 1894, where an award under Section 11 has been made five years or more prior to the commencement of the Act of 2013, but the physical possession of the land has not been taken or the compensation has not been paid, the said proceeding shall be deemed to have lapsed, and the appropriate government, if it so chooses, shall initiate the proceeding of such land acquisition afresh in accordance with the provisions of the Act 2013.
17. In the present case, as noted above neither the compensation is paid nor the possession taken within the time. That being so, and considering the provision under Section 24 of the Act, the Petitioners have made out a case. Accordingly, we **allow** the

Petition in terms of prayer clause (b)(i), which reads thus:

“(i) to hold and declare that, in view of the provisions of sub-section (2) of Section 24 of the said Act, the land acquisition proceedings bearing No.LQN/SR/5/83 and the impugned Award dated 15.03.1988 passed by Respondent No.4, the Special Land Acquisition Officer No.14, Kolhapur, in respect of the Petitioners’ land bearing Gat No. 235, admeasuring 0 H 42 R, situated at Chipri, Taluka Shirol, District Kolhapur, are deemed to have lapsed.”

18. The Petition is accordingly disposed of. No costs.

(RANJITSINHA RAJA BHONSALE, J.)

(ANIL L. PANSARE, J.)