

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5468 OF 2026

Mujamil Manasur Chikhalekar .. Petitioner
V/S.
The State of Maharashtra Thr The .. Respondents
Principal Secretary and Ors

Mr. Sagar Bativia, for petitioner.
Ms. Pooja Patil, AGP, for the State.

CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ.
DATE : 29TH APRIL 2026.

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1. By this petition, the petitioner claims that acquisition of the subject land lapsed under Section 24(2) of the Right To Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the 'Act of 2013').
2. The trigger for filing this petition appears to be a mutation entry made in October 2025 recording the name of Government of Maharashtra as the owner of the subject land.
3. The award for acquisition of land in the present case was passed on 27/11/1998.
4. If the petitioner is to succeed in his contention that the

acquisition proceeding lapsed as per Section 24(2) of the Act of 2013, the law laid down by the Constitution Bench of the Supreme Court in the case of '**Indore Development Authority Vs. Monoharlal and Ors**'¹ is to be satisfied. As per the law laid down therein, acquisition would lapse under Section 24(2) of the Act of 2013 only in the event two conditions are satisfied: firstly, that possession of the subject land was not taken and secondly, that compensation for acquisition of the land was not paid to the landowner.

5. In the present case, as to whether possession was taken or not may be raised as a disputed question by the petitioner, but a document on record clearly shows that the compensation was duly paid to the landowner i.e. mother of the petitioner. Once the said fact is considered, it is evident that this cannot be termed as a case of lapsing of acquisition under Section 24(2) of the Act of 2013.

6. Merely because the petitioner has a dispute with his mother cannot be a ground to hold that there is lapsing of acquisition.

7. In view of the above, we find no merit in the present writ Petition and accordingly, it is dismissed.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)

¹ (2020) 8 SCC 129