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

WRIT PETITION NO. 11241 OF 2017

Baban Balaso Fadtare … Petitioner

VERSUS

State of Maharashtra and others. … Respondents

…

None for Petitioner.
Mr. Rajan S. Pawar, AGP for Respondent-State.

…

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

DATE : OCTOBER 19, 2026.

P. C. :

1. The record indicates that none appeared on behalf of the Petitioner on earlier date of hearing. With the assistance of learned AGP, we have perused the papers and proceedings of the present Petition.

2. The Petition seeks a declaration that the acquisition proceedings No. SPL/LAQ/7/SR No. 334 in respect of the Petitioner's land admeasuring 65-R out of Survey No. 321/1B, having new Survey No. 321/1B/2, situated at Village Urun Islampur, Taluka Walwa, District Sangli, are deemed to have lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short **"*Act of 2013*"**).

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3. The Petition pleads that in 1991, the acquisition proceedings were initiated for rehabilitation of a Warna Dam project-affected person. A notification under Section 4 of the Land Acquisition Act, 1894 (for short ***"the Act of 1894"***) was published on 14th March 1991. A declaration under Section 6 of the Act of 1894 was published on 28th May 1992. The final award was passed under Section 11 of the Act of 1894 on 25th February 1994, and the compensation was determined at Rs. 42,640/-. The Petition further pleads that the physical possession of the land was obtained and the same came to be allotted to one Rakhamaji Saskaram Patil on 23rd July 1998, and that, according to the Petition, mutation entry no. 32386 was effected in the revenue records, and that the project-affected person is cultivating the land.

4. It is pleaded that as the impugned award was passed more than five years prior to the commencement of the Act of 2013 and as compensation has not been paid, the acquisition has lapsed.

5. Learned AGP would submit that the position is settled by the decision of the Hon'ble Apex Court in the case of ***Indore Development Authority Vs. Manoharlal & Ors. Etc.***[1] and as the possession has been obtained, which is pleaded in the Petition as well as in the affidavit-in-reply, the ingredients of Section 24(2) of the Act of 2013 are not satisfied. He would further point out the possession

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receipts that have been executed and would submit that as the possession has been taken, there is no lapsing of acquisition.

6. We find from the Petition that it is an admitted position that the physical possession of the land was acquired by executing a Kabjepavati. Subsequently, on 23rd July 1998, the subject land was allotted to the project-affected person. The Petition proceeds on the basis that as compensation has not been paid and a period of five years has lapsed prior to the commencement of the Act of 2013, the acquisition has lapsed. The legal position has been settled by the Hon'ble Apex Court in the case of ***Indore Development Authority*** **(supra)**, where the Hon'ble Apex Court has held that the expression "or" occurring in Section 24(2) of the Act of 2013 is required to be read as "and". It is only where the possession has not been taken and the compensation has not been paid that the provisions of Section 24(2) of the Act of 2013 come into effect. In the present case, as admittedly the possession has been taken, there is no lapsing of reservation.

7. In view of the above, the relief sought in the Petition is unsustainable. Resultantly, the Petition fails and stands dismissed.

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