

SUPREME COURT OF INDIA

Shivaji Shamrao Patil Since Deceased By His L.R.Ranjana Shivaji Patil

Vs.

The Special Land Acquisition Officer

C.A.No.6357 of 2017

(Kurian Joseph and R.Banumathi,JJ.,)

04.05.2017

JUDGMENT

Kurian Joseph,J.,

SLP(Civil)No.28055 of 2014

1. Leave granted.
2. On 28.10.2016, this Court passed the following order :-

"The parties to get instructions on the following aspects:-

- 1) When was the award passed?
- 2) Was possession taken subsequent to the award and whether compensation has been paid, if so, when?
- 3) What was the period of the operation of the interim orders restraining them from taking possession?"

3. The specific instruction on the second aspect is that though the award is dated 05.02.1988, so far no compensation has been paid. If that is so, it squarely falls under the provision of lapse under Section 24(2) of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, since no compensation has been paid to the appellants despite passing of the award five years prior to 01.01.2014, when the Act came into force, although according to the respondents, it is lying in the Revenue deposit.

4. This Court, in *Pune Municipal Corporation & Ors. Vs. Harakchand Misirimal Solanki & Ors.*, reported in¹, made it clear that the deposit made in treasury will not save the lapse

referred to under Section 24(2) unless the compensation is actually paid to the land owners or deposit in terms of Section 31 of the Land Acquisition Act, 1894.

5. Therefore, the proceedings have lapsed. However, the respondents are granted a period of one year from today to exercise the liberty under Section 24(2) of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

6. With the above observations and directions, the appeal is disposed of.

7. No costs.