



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 23106/2017

CNR: RJHC020801272017 | URN: CW / 39609U / 2017

1. Gopal Lal Kumawat S/o Shri Ganesh, R/o Ratan Nagar, Dehar Ka Balaji, Chomu Road, Jaipur (since deceased) through his legal heirs:

1/1. Suraj Mal Kumawat S/o Gopal Lal Kumawat, aged about 53 years, R/o 10, 11B, Ratan Nagar, Gali No.6, Dehar ka Balaji, Jaipur.

1/2. Sohan Lal Kumawat S/o Gopal Lal Kumawat, aged about 44 years, R/o 11, Ratan Nagar, Gali No.6, Dehar ka Balaji, Jaipur.

1/3. Mahesh Kumawat S/o Gopal Lal Kumawat, aged about 40 years, R/o 11, Ratan Nagar, Gali No.6, Dehar ka Balaji, Jaipur.

-----Petitioners

Versus

1. State of Rajasthan through its Principal Secretary, Urban Development and Housing Department, Secretariat, Jaipur.

2. Jaipur Development Authority through its Secretary, Indira Circle, Jawahar Lal Nehru Marg, Jaipur.

3. Land Acquisition Officer, Jaipur Development Authority, Indira Circle, J.L.N. Marg, Jaipur.

-----Respondents

For Petitioner(s)	:	Mr. Mahesh Kalwania
For Respondent(s)	:	Mr. G.S. Gill, AAG assisted by Mr. Manoj Choudhary, Mr. Yadvendra Patel & Ms. Ritu Mishra Mr. Yuvraj Samant

HON'BLE MR. JUSTICE ANAND SHARMA

Order

12/10/2026

1. In the present writ petition, the petitioner has challenged award dated 23.06.1989 passed by the Land Acquisition Officer under Section 11 of the Land Acquisition Act,



1894 on the ground that by virtue of provisions of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, 'the Act of 2013'), the proceedings have lapsed on account of not paying compensation pursuant to award dated 23.06.1989 as well as due to not taking possession of the land under acquisition.

2. Learned Additional Advocate General, at the outset, submitted that the Act of 2013 came into force on 01.01.2014 and as per Section 24(2) of the Act of 2013, the question of lapse of proceedings would come into picture, only if, the award was passed five years prior to the date of enforcement and even then, neither compensation has been paid pursuant to award, nor possession of the land under acquisition was taken.

3. Learned Additional Advocate General pointed out from the reply to the writ petition that the compensation as awarded vide award dated 23.06.1989 has been deposited with the civil court on 26.05.1998 vide Cheque No.315423 for Rs.6,67,250/-. He would submit that even possession of land-in-question was also taken prior to the date of enforcement of the Act of 2013.

4. Heard learned counsel for the parties and perused the record.

5. As regards, applicability of Section 24(2) of the Act of 2013, the issue is no longer res-integra and the Constitution Bench of Hon'ble Supreme Court in the case of **Indore Development Authority Vs. Manoharlal & Ors.** reported in **2020 (8) SCC 129** has clarified that even if the amount has been deposited with the competent authority prior to date of the enforcement of the award, or the possession of the land has been



taken, then provisions with regard to lapse of proceedings under Section 24(2) of the Act of 2013 shall not apply.

6. In the instant case, in reply to the writ petition it has been specified by the respondents that the compensation was already deposited to the civil court on 26.05.1998, hence, no case within the purview of Section 24(2) of the Act of 2013 can be maintained by the petitioner.

7. In view of above, there is no substance and merits in the instant writ petition filed by the petitioner and the same is hereby dismissed.

8. At this stage, learned counsel for the petitioners prayed that the petitioners be granted liberty to file a representation for seeking allotment of 25% developed land in lieu of acquired land.

9. In view of above, petitioners are granted liberty to file a representation before the Competent Authority. Upon receiving such representation, the same shall be considered by Competent Authority strictly in accordance with the statutory laws as well as the prevailing policy of the Government and the same shall be decided by a reasoned and a speaking order within a period of 60 days from the date of receiving representation along with certified copy of this order.

10. Pending application(s), if any, stand(s) disposed of.

(ANAND SHARMA),J

2/DAKSH