

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9682 OF 2013

HAJIRA FAIM KAZI AHMAD MOINUDIN AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. Kiran M. Nagarkar.
Mr. P.P. More, AGP for Respondents.

CORAM : B.P. DHARMADHIKARI
& A.M. BADAR, JJ.
DATE : 22nd DECEMBER, 2014.

PER COURT:

1] Heard Advocate Nagarkar for petitioner and learned AGP for respondents.

2] Merely because in some revenue record, 0.77 Are land is shown as standing in the name of forefathers of present petitioners, present petition has been filed. It is not in dispute that petitioners through their forefathers have disposed of land constituting Survey No. 1,2,3, & 4 before 1984. That land was taken in possession in 1984 by the Revenue Authorities from the subsequent purchasers and a highway has been constructed.

3] Petitioners in 2012 found that in revenue records, some part is still shown in their names and, therefore, made a vague representation on 24.9.2012 and then have approached this court. Petitioners have not disclosed total area in Survey No. 1,2,3, & 4 or the dates of sale deeds or area sold by them from said total area.

4] If the total area is sold by them, its subsequent purchasers may be entitled to compensation of balance land or for possession of balance

land. If total area is not sold by the petitioners, petitioners may be entitled to either possession or then to compensation therefor. All these questions raise factual disputes.

5] Purchasers from petitioners may also be required to be joined as parties. Those purchasers are not parties and relevant details are not supplied to this court. In this situation, we find substance in objection being raised by learned AGP. No case is made out for interference in writ jurisdiction. Writ petition is rejected. No costs.

[A.M. BADAR]
JUDGE

[B.P. DHARMADHIKARI]
JUDGE.

grt/-