

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

WP NO.1918/2015

11 WRIT PETITION NO. 1918 OF 2015

CHANDRAKANT RANOJI MAGAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. Paranjape Prakash S
AGP for Respondents: Smt. V.A.Shinde

...
CORAM : R. M. BORDE & P.R. BORA, JJ.
Dated: February 23, 2015

...
PER COURT :-

1. It is not a matter of dispute that the land Gat No.83 has been acquired by the State Government in the year 1974 and the amount of compensation has been received by the predecessor-in-title of the petitioner. In spite of this fact and in spite of vesting of the land in the Government in an acquisition proceedings under old enactment, the vendor of the petitioner executed a sale deed in his favour in the year 2005 and, on the strength of the sale deed, the petitioner claims title and is seeking release of land from acquisition in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. In our view, since the sale in favour of the petitioner itself is void, as his predecessor-in-title did not have any right in him after acquisition of the property, the petition, at the instance of the petitioner, is not entertainable.

AGP/-

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3. Writ Petition is devoid of substance and the same stands dismissed.

4. Petitioner is at liberty to pursue the remedies as are available in law.

(P.R. BORA, J.)

(R. M. BORDE, J.)

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