

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.14 OF 2006

- 1) Dattatraya s/o Rangnath Choudhari,
Age-71 years, Occu:Agril.,
R/o-Rede, Tq, Akole, Dist-Ahmednagar,
- 2) Kamalabai w/o Dattatraya Choudhari,
Age-65 years, Occu:Household,
R/o-Rede, Tq, Akole, Dist-Ahmednagar,
- 3) Ramesh s/o Dattatraya Choudhari,
Age-35 years, Occu:Agril.,
R/o-As Above.

...PETITIONERS

VERSUS

- 1) The State of Maharashtra,
- 2) The Additional Commissioner,
Nashik, Dist-Nashik,
- 3) The Collector/ The Special Land
Acquisition Officer, No.19,
Ahmednagar/The District Rehabilitation
Officer, Ahmednagar.

...RESPONDENTS

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Mr. P.V. Mandlik, Senior Counsel for
Petitioners.

Mr. S.G. Sangle, A.G.P. for Respondents.

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**CORAM: S.V. GANGAPURWALA AND
A.I.S. CHEEMA, JJ.**

DATE : 25TH MARCH, 2015

ORAL ORDER :

1. Mr. Mandlik, learned Senior Counsel for the Petitioners submits that the application filed under Section 48 of the Land Acquisition Act, 1894 has been rejected by the State. According to the learned Senior Counsel, the Commissioner while rejecting the application under Section 48 of the Act, has not considered all the relevant aspects of the matter and as such the order is erroneous. The acquisition in respect of adjoining land was not pressed by the State, which shows that the land of the Petitioners was not required by the State. The said proceedings are contrary to the provisions of Section 16 of the said Act. The Petitioners did not hold more than 8 acres of the land.

2. The learned A.G.P. submits that

Additional Commissioner has taken into consideration all the aspects of the matter and has rightly rejected the application.

3. The learned A.G.P. has placed on record copy of the order passed in Writ Petition No.13 of 2006 (Anil s/o Ganesh Somni and others vs. The State of Maharashtra and others) dated 24th January 2012, wherein the Division Bench of this Court, in a matter involving similar issue, in respect of the adjoining lands of the Petitioners in the same village and the land acquired under the same Notification, has dismissed the Writ Petition.

3. In light of above, and for the reasons given in Judgment dated 24th January 2012 in Writ Petition No.13 of 2006, present Writ Petition also stands dismissed. No costs. Rule discharged.

[A.I.S.CHEEMA, J.]

[S.V. GANGAPURWALA, J.]