

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO. 1318 OF 2013

Sanjay s/o Gopalrao Kulkarni

.. PETITIONER

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. D.B. Pawar, advocate for petitioner.
Mr. P.P. More, AGP for the State.

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**CORAM : R.M. BORDE &
P. R. BORA, JJ.**

DATE : 20th JANUARY, 2015.

PER COURT :

1. Petitioner is praying for issuance of direction to respondents to initiate proceedings for acquisition of area of 40 R land contending that he has not been paid compensation for the said area although the acquiring body has assumed possession of the land.

2. Affidavit-in-reply has been presented on behalf of respondent - State wherein it has been stated that joint measurement of the land has been conducted before issuance of notification under section 4 of Land Acquisition Act and as per joint measurement report an area to the extent of 21 R only has been earmarked for the purpose of acquisition, While issuing notification under section 4 as well as declaration under section 6 of the act, area noted under acquisition is only 21 R. Award has also been passed declaring compensation in respect of acquired land admeasuring 21 R. Petitioner did not take any objection during the acquisition proceedings and

even after declaration of award in the year 2004.

3. Petitioner places reliance on communication dated 19.01.2009 issued by the T.I.L.R. who has certified that an area to the extent of 61 R was acquired and schedule 16 of joint measurement report demonstrates this position. Copy of extract Schedule 16 and joint measurement report has been presented alongwith affidavit-in-reply which demonstrates that area to the extent of 21 R only was proposed to be acquired. It would be a matter of investigation as to on what basis the T.I.L.R. has proceeded to issue such certification in the year 2009. However, in exercise of extra ordinary jurisdiction under Article 226 of the Constitution of India, we do not propose to enter into the question dealing with facts. It would be open for the petitioner to avail of alternate remedies available in law for redressal of his grievances. Petition is devoid of substance hence stands rejected.

(P. R. BORA)
JUDGE

(R. M. BORDE)
JUDGE

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