

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7549 OF 2015

Shaikh Niyas Ahmed Mohd. Osman and others

Petitioners

Versus

The State of Maharashtra and others

Respondents

Mr.B.R. Suravase advocate for the petitioners

Mr. N.B. Patil, AGP for Respondents

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

Dated : 4th AUGUST, 2015.

PER COURT :-

1 The petitioners are praying for issuance of directions to the respondents, to initiate land acquisition proceedings, in respect of land gut No.687 and pass an award in accordance with Act of 2013.

2 It is the contention of the petitioners that the said land was in the name of their grand mother and before prescribing a gut number, the survey number which was prescribed was recorded in the name of grand mother. It is the contention of the petitioners that, in the year 1974, the land has been taken in possession, by the State authorities, without observing the procedure, prescribed under the Land Acquisition Act. The petitioners, for the first time, in the year 2012, presented an application to the Collector, seeking information under the Right to Information Act. The petitioner was informed on 21.8.2012 that, the land Gut No. 687, which is presently recorded in the name of Mohd. Osman Shaikh Mehaboob has not been acquired by the State Authorities. The petitioners in spite of such communication are pressing their

demand for issuance of directions to the respondent authorities to initiate land acquisition proceedings and pay them compensation.

3 We are not inclined to cause interference in the matter after 40 years of accrual of cause of action. The petitioners on their own contend that the land has been illegally acquired in the year 1974. This aspect itself appears to have been disputed by the State Authorities. The fact as to whether the land of the petitioners has been taken possession-of by the State Authorities, without observance of the procedure, prescribed under law, itself is a disputed question, which we do not intend to investigate in the writ jurisdiction. Apart from this, in view of the Judgment of the Supreme Court in the matter of **State of Maharashtra V/s Digambar** (1995 SC 1991), on account of delay and laches, no directions as requested by the petitioner can be issued.

4 The petitioner has placed reliance on the Judgment of the Supreme Court in the case of **Tukaram Kana Joshi & Others through : Power of Attorney holder V/s M.I.D.C. & others** reported in 2012 DGLS (Soft) 538, which in our view is not applicable to the facts of the present case.

5 Writ petition is devoid of substance and stands rejected.

(P.R. BORA, J)

(R.M.BORDE, J)