

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

WRIT PETITION NO.2759 OF 2015

Zahedabee w/o Mohammad
Tahermiyan Shaikh ... PETITIONER

VERSUS

The Union of India & others ... RESPONDENTS

.....
Shri S.P. Kulkarni, Advocate for petitioner
Shri S.B. Deshpande, Assistant Solicitor General for
Union of India/respondents No.1 to 5
Mrs. A.V. Gondhalekar, A.G.P. for State
Shri A.V. Hon, Advocate for respondent No.25
Shri A.B. Tele, Advocate for respondent No.26
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CORAM: R.M. BORDE &
 A.I.S. CHEEMA, JJ.

DATED: 16th November, 2015.

ORAL ORDER :

1. The petitioner is praying for release of the land bearing Survey No.193, situated at Latur in favour of the original owner. It is not a matter of dispute that the land was utilised for laying down a narrow-gage railway track. The track was laid during the Nizam regime and it is presumed that the land is taken in possession by the Government during the Nizam regime

in observance of the procedure prescribed under law.

2. After passage of more than 75 years, the relief claimed by the petitioner in the instant petition does not deserve to be granted. Apart from these aspects, the petition raises disputed questions of facts. The petition is misconceived and as such, stands rejected.

(A.I.S. CHEEMA, J.)

(R.M. BORDE, J.)

fmp/wp2759.15