

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6908 OF 2013

PARWATIBAI ANNASAHEB NAGPURE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Bhore K. S.
AGP for Respondents 1 to 3 and 5: Mr. S.G.Karlekar
Advocate for Respondent No.6 : Mr. A.V. Hon

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**CORAM : R. M. BORDE AND
V. K. JADHAV, JJ.**

DATED : 27th APRIL, 2015

P.C. :-

1. The petitioner is praying for issuance of directions to the respondents to declare the award in respect of land purportedly belonging to her, which is claimed to have been acquired without observing procedure prescribed under Land Acquisition Act.

2. The respondents have presented affidavit in reply, wherein it has been stated that the petitioner has, in fact, encroached upon Nala and she is not owner of said property. It is contended that the development plan road is constructed except the portion occupied by the petitioner. It is contended by the respondents that since the petitioner is encroacher and that property does not belong to her, there is no question of proceeding under the provisions of Land

Acquisition Act. Considering the contentions raised in the petition and the defence raised by the respondents, since the petition raises disputed question of facts, in exercise of writ jurisdiction under Article 226 of the Constitution of India, no interference is called for. Keeping the option open for the petitioner to avail alternate remedy for redressal of her grievance, if any, writ petition stands disposed of.

(V. K. JADHAV, J.)

(R. M. BORDE, J.)

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