

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD  
WRIT PETITION NO.7006 OF 2011

Dattatraya s/o haribhau Lokhande

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.P.M.Gaikwad, advocate for the petitioner  
Mr.D.R.Kale, A.G.P. for Respondents.

**CORAM : R.M.BORDE &**

**P.R.BORA, JJ.**

**DATE : 23rd October, 2015**

**PER COURT:**

1 Heard learned Counsel for respective parties.

2 The petitioner is seeking issuance of directions to initiate land acquisition proceedings in respect of S.No.40, New Gut No.86, admeasuring 6 acres, to pass the award and pay compensation to the petitioner.

3 According to the petitioner, land belonging to him has been taken in possession by the Respondents for extension of *gaathan*, however, award has not been declared.

4 An affidavit-in-reply has been presented on behalf of Respondents wherein it has been stated that during life time of father of petitioner, award was declared on 15.05.1966 and notice was served on the father of petitioner calling upon him to accept

amount of compensation. It does appear that father of the petitioner had presented suit being Regular Civil Suit No.40 of 1988 claiming decree of perpetual injunction in respect of land S.No.40. While dealing with Issue No.3, the Civil Court has recorded on perusal of File No.1980/LAQ/CR/73, produced by defendants that "it is clear that award has been passed in respect of land admeasuring six acres out of S.No.40, situate within village Mudha and land has been taken in possession". The decree is confined to the rest of the land, which is part of S.No.40 restraining Respondents i.e. State authorities from disturbing possession of plaintiffs.

5            Since award has been declared during life time of father of petitioner, no directions need be issued in the instant petition. Apart from this, petitioner has approached this Court after lapse of more than 45 years and as such, on the ground of laches and delay, request made by the petitioner, in the instant petition, cannot be accepted. Writ Petition is devoid of substance.

6            Writ Petition stands dismissed.

**P.R.BORA**  
**JUDGE**

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**R.M.BORDE**  
**JUDGE**