

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION*

WRIT PETITION NO. 2029 OF 2015.

Shri Ashok Shivling Bhuinjkar. .. Petitioner
Vs.
The State of Maharashtra & ors. .. Respondents

Mr.Rajaram V.Bansode, for the petitioner.
Ms.S.S.Bhende, Assistant Government Pleader, for the State.

***CORAM: Smt. Vasanti A. Naik &
Shri C.V.Bhadang JJ.
Wednesday 4 March, 2015.***

PC.:

Heard.

By this petition, the petitioner seeks the direction to the respondents to acquire the land of the petitioner from south eastern side of the field instead of north eastern side.

The land of the petitioner was acquired in pursuance of the Notification issued by the State Government in the year 1997. The notice under Section 9 of the Land Acquisition Act 1894 was received by the petitioner and the petitioner was directed to remain present before the Development Officer and Special Land Acquisition Officer, on 29/04/1999. The petitioner made a representation that the land mentioned in notice should not be acquired and instead of that land, the land from the south

eastern side of the field should be acquired. It is the case of the petitioner that the representation of the petitioner was not decided by the Special Land Acquisition Officer and the Award was passed. It is stated that the house of the petitioner stands on the land on the north eastern side which is acquired by the State Government and hence the land should be acquired from the south eastern side.

On hearing the learned counsel for the parties, it appears that the petition is liable to be dismissed on the ground of laches. The petition is filed on 14th January 2015. The notice under Section 9 was issued to the petitioner in the month of April 1999. If the representation of the petitioner against the acquisition of the land from a particular side of the field was not decided by the Special Land Acquisition Officer, it was necessary for the petitioner to have approached this Court within a reasonable time. The petitioner however, did not file any petition or for that matter, any Court proceedings till the present petition was filed on 14 January 2015. The land has been acquired long back in the year 1999. By a petition filed in the year 2015, the petitioner cannot seek a direction to the respondents to acquire the land from the south eastern side when the land stands already acquired from the north eastern side in 1999. It is stated on behalf of the petitioner that the petitioner had made a representation in the year 1999 and reminders were sent to the State Government in the years 2001 and 2013. The sending of the reminders would not extend the time for filing the Writ petition as they do not sufficiently explain the

inordinate delay of 15 days in approaching this Court. It is a well-settled position of law that making of successive representations is inconsequential while considering sufficient cause as such successive representations cannot stop limitation. It would be necessary to refer to Judgments referred in **1995 (Suppl.) 4 SCC page 593; 1997 (11) SCC page 13** and **2009(3) SCC page 281**, in this regard.

Since the petition suffers from latches the same is dismissed with no order as to costs,

(C.V.Bhadang J.)

(Vasanti A.Naik J.)