

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6549 OF 2014

Shri Shivgonda Ramgonda Patil

... Petitioner

Vs.

Mohan Shivram Vaskar (PAP) & Ors.

... Respondents

Mr.M.S. Lagu for the Petitioner

Mr.Vikas Mali, Assistant Government Pleader, for Respondent Nos.2 & 3

**CORAM: SMT. VASANTI A. NAIK &
SHRI C.V. BHADANG, JJ.**

DATE: 5th MARCH, 2015

P.C.:

By this petition, the petitioner seeks a direction to the respondent No.2 State to decide the representation made by the petitioner and return the land of the petitioner acquired by the State of Maharashtra under the provisions of the Land Acquisition Act for rehabilitation of the project affected persons.

It appears that the land of the petitioner was acquired by the State Government under the provisions of the Land Acquisition Act, 1894 before the year 2000. After the acquisition of the land, the land was allotted by the State Government to the respondent No.1 – project affected person on certain terms and conditions. It is the case of the petitioner that certain

terms and conditions of the allotment have been breached by the Respondent No.1, inasmuch as the respondent No.1 has executed a registered deed of power of attorney empowering the holder thereof to alienate the land and perform other acts which are necessary for the maintainance of the land and also the sale thereof. According to the petitioner, the government is obliged to return the land to the petitioner as the respondent No.1 has breached the conditions of allotment.

On hearing the learned Counsel for the parties, it appears that the prayer made by the petitioner cannot be granted. The land of the petitioner was acquired more than 15 years earlier. As soon as the land was acquired, the land has vested in the government in view of the provisions of the Land Acquisition Act. The government has allotted the land in favour of the Respondent No.1. If the conditions of allotment are breached by the respondent No.1, it is a matter between the State Government and the respondent No.1. The petitioner has no concern with the same. The petitioner has also no right to seek the possession of the land once it is acquired by the State Government. Also, on a reading of the deed of power of attorney, it does not appear that the Respondent No.1 has breached any of the terms and conditions of the allotment as the deed authorises the power of attorney holder to utilise the property and if

necessary, sell the same only after securing the necessary permissions from the concerned authorities. The learned Counsel for the petitioner has not pointed out any right in the petitioner to seek the possession of the lands that were acquired before the year 2000. In such circumstances, the relief sought by the petitioner cannot be granted.

In the result, the Writ Petition fails and is dismissed with no order as to costs.

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)