

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

WRIT PETITION NO. 2443 OF 2014

Shri Hayachand Babaso Desai	...	Petitioner
V/s.		
State of Maharashtra & ors.	...	Respondents

Mr. Manoj A. Patil for the petitioner.
Mr. Vikas Mali, AGP for respondents 1 to 4.

**CORAM : NARESH H. PATIL AND
S.B. SHUKRE, JJ.**

14th August, 2015.

P.C.

The petitioner had first approached this Court by filing a Writ Petition No. 4706/2010 against an order passed by the Divisional Commissioner under Section 48 of the Land Acquisition Act, 1894. The petitioner had approached the Commissioner for releasing the subject land from acquisition proceedings. By an order dated 24th November, 2010 the Division Bench has rejected the petition. The petitioner had filed a 2nd writ petition bearing no. 364/2013. By an order dated 12th February, 2013 the Division Bench observed in paragraphs 4 and 5 as under.

“4. In the facts of the present case, by a speaking order dated 9th March, 2010, the Commissioner rejected the prayer for releasing the land from the acquisition and, as

recorded earlier, the speaking order dated 9th March, 2010 has been confirmed on merits by the Division Bench of this Court by judgment and order dated 24th November, 2010.

5. There is no provision in law which provides for filing of a Revision Application against an order passed by the Divisional Commissioner under Section 48 of the said Act. Therefore, the Application dated 6th April, 2011 made by the petitioner which is styled as a Revision Application is not maintainable in law as a Revision Application. Nevertheless the said Application can at the highest be treated as a representation made by the Petitioner, which will have to be decided by the State Government.”

2. The petitioner during this time had preferred revision petition addressed to the Revenue Minister of the State. The Division Bench had, therefore, directed that revision application filed by petitioner on 6th April, 2011 shall be treated as a representation as revision application is not maintainable. The Division Bench had directed the respondent therein for passing appropriate order on the said representation. By an order dated 4th January, 2014 the Hon'ble Minister (Revenue) rejected the said application filed by the petitioner. The petitioner challenges the said order in the present petition.

4. The Hon'ble Minister recorded the order that inspite of notice, the petitioner remained absent. It is submitted by the learned Counsel that notice was not served on the petitioner. The petitioner disputes signature of the son of the petitioner on the acknowledgment receipt. It is

submitted that he apprehends that signatures of his son are forged one or it must have been managed by the officials of the respondents. It is submitted that son of the petitioner had applied under RTI information. Considering the earlier orders passed by this Court and the fact that the Hon'ble Minister had rejected the application/representation, we are not inclined to entertain this writ petition in exercise of our extraordinary writ jurisdiction. The petition is dismissed.

(S.B. SHUKRE, J.)

L.S. Panjwani, P.S.

(NARESH H. PATIL, J.)