

Atul

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11629 OF 2015

Anabai Bhaskar Patil, through PoA Abhijeet ...Petitioner
Shashikant Patil

Versus

The Special Land Acquisition Officer & Ors. ...Respondents

Mr. Sachin Kadu Hande, for the Petitioner.
Mr. A. I. Patel, AGP for the Respondent No. 1.
Mr. Ashutosh M. Kulkarni for the Respondent No. 2.

CORAM: A.S. OKA & G.S. PATEL, JJ.

DATED: 26th November 2015

PC:-

1. Heard learned counsel appearing for the Petitioner and the learned counsel appearing for the Respondents. The documents annexed as Exhibit "D" and Exhibit "E" show that out of land bearing Survey No. 1 Hissa No. 9 at Village Bokarvira, Taluka Uran, District Raigad an area of 3.6 Ares has been acquired and remaining area of 17.5 Ares is not acquired.

2. The issue is whether the 2nd Respondent is carrying out the work in the acquired portion of the land or on the portion which is not shown as acquired as per the record of the Special Land Acquisition Officer.

3. The Writ Petition involves disputed questions of fact which can be more conveniently adjudicated upon by the Regular Civil Court, especially when the contention of the Petitioner is that an area of 17.5 Ares is not acquired. The contention is that though the said area is not acquired, the name of the State Government has been mutated in respect of the land admeasuring 17.5 Ares as well.

4. Hence, we decline to entertain the Petition. The Petition is disposed of by granting liberty to the Petitioner to approach the appropriate Civil Court.

5. To enable the Petitioner to do so, we make it clear that for a period of two weeks from today, the 2nd Respondent shall confine its activities only to the acquired portion admeasuring 3.6 Ares.

(G. S. PATEL, J.)

(A.S. OKA, J.)