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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.939 OF 2015

Rajgonda Anna Patil

..Petitioner.

V/s.

The Collector, Kolhapur District and Ors.

..Respondents.

Mr.Pradeep Dattajirao Dalvi for the petitioner.

Mrs.Neha Shinde, AGP 'B' Panel for respondent Nos.1 to 3.

**CORAM : A.S.OKA AND
V.L.ACHLIYA, JJ.**

DATED : 30TH OCTOBER, 2015

P.C. :-

1. Heard the learned counsel appearing for the petitioner. The petitioner claims to be the owner of a land bearing Gat No.577, admeasuring 2 Hectare, 2 Are at Yelgud, Taluka Hatkanangale, District Kolhapur. It is the case of the petitioner that an area of 0.62 Are out of the said Gat No.577 was acquired under the Land Acquisition Act, 1894 (for short 'the said Act of 1894'). An award was made under section 11 of the said Act of 1894 on 12th March, 1991. It is contended that in the award the area of 0.62 Are out of Gat No.577 has been shown as acquired. Even in the statement annexed to the award, the same area is shown. The contention of the petitioner is that in the certified copy of the 7/12 extract issued on 15th November, 2011, the names of strangers apart from the names of the District Collector are appearing in the Kabjedar

column in respect of the entire area of the land bearing Gat No.577.

2. The case made out in the petition is that the petitioner is in possession of the remaining area out of Gat No.577 excluding the area of 0.62 Are which is acquired.

3. In substance, the case of the petitioner is that the entry in the revenue record is wrong. If that be so, the remedy of the petitioner is to challenge the said entry in accordance with the Maharashtra Land Revenue Code, 1966.

4. As of today, the entry in the revenue record shows that the petitioner is not in possession of the entire land bearing Gat No.577. Therefore, if the petitioner wants to protect his alleged possession on the footing that he is in possession of the land save and except the acquired area, his remedy is to approach the Civil Court by filing appropriate proceedings.

5. Therefore, it is not a fit case where the writ jurisdiction under Article 226 of the Constitution of India can be allowed to be invoked. By keeping the remedies of the petitioner expressly open, the petition is disposed of. All contentions on merits are expressly kept open.

(V.L.ACHLIYA, J.)

(A.S.OKA. J.)