

FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2087 OF 2014

K. D.Pawar vs. State of Maharashtra

Office Notes, Office
memorandum of Coram,
appearances, Court's
orders or directions &
Registrar's orders.

Court's or
Judge's orders.

Shri. Pradeep Patil for the Petitioner.,
Mrs. M.P. Thakur, AGP for Respondents 1 to 4.

CORAM : A.S. OKA & A.P.BHANGALE, JJ
DATED : 30TH MARCH 2015

P.C.:

By this petition under Article 226 of the Constitution of India the petitioner is seeking to challenge the acquisition proceedings of the year 1983. The petition has been filed on 24 December 2013. The averments made in Paragraph 5 disclose that the acquisition is of August 1983. It is contended therein that the possession of the acquired land was illegally taken on 31 August 1983 from the petitioner.

2) The acquisition is for public purpose which is sought to be challenged after the lapse of more than 30 years. The petitioner was aware that he was dispossessed on 31 August 1983.

3) The remedy of a Writ Petition under Article 226 of the Constitution of India is always a discretionary and equitable remedy. After lapse of 30 years, the petitioner

cannot be allowed to invoke the said remedy. Only on the ground of delay, writ petition is rejected.

(A.PBHANGALE, J)

(A.S.OKA, J)