

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6724 OF 2014

Madhukar S/o Ratan Jadhav

Petitioner

Versus

The State of Maharashtra and others

Respondents

Mr.A. R. Rathod advocate for the petitioner

Mr.M.B. Bharaswadkar, AGP for Respondent No.1 & 4

Mr. V.S. Bedre, advocate for respondent No.2

CORAM : R.M. BORDE &
K.L.WADANE, JJ

(Date : 13th June, 2016.)

PER COURT :-

1 The petitioner has raised a grievance in respect of reduction of area in the final plot allotted to him in the year 1978. According to him, the area of the final plot which has been allotted to him has been reduced and one Nadarbai Kashinath Tribhuvan was beneficiary who has acquired larger plot.

2 It appears that after 1978 the petitioner accepted the final plot allotted to him and with the permission of the Municipal Corporation raised construction on the final plot. It also appears from the record that the petitioner or his father did not raise any objection in respect of allotment of final plot to the Arbitrator

appointed by the State Government. The work of the Arbitrator of settling the disputes relating to the town planning scheme No.1 Shrirampur is complete and the appeals arising out of the decisions rendered by the Arbitrator are pending with the District Judge. Since the petitioner has not availed of remedy available in law i.e. raising dispute to the Arbitrator, the belated challenge raised by the petitioner after 35 years directly by way of presentation of the instant petition is not tenable.

3 Keeping option of the petitioner to avail of the remedies, if available in law, open, writ petition stands disposed of.

(K.L.WADANE, J)

(R.M.BORDE, J)