IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

16 WRIT PETITION NO. 8274 OF 2015

RAJENDRA GANPATRAO ASHTEKAR
VERSUS
THE UNION OF INDIA AND OTHERS
...
Advocate for Petitioner : Mr. V. B. Patil h/for Mr. Mahesh S. Patil
AGP for Respondent No.2 State: Mrs. V. H. Patil
Advocate for Respondents 1, 3, 4 and 5: Mr. M. N. Navandar

CORAM : S. V. GANGAPURWALA &
K. L. WADANE, JJ.

DATE : 14th December, 2016

ORDER:

1. Mr. Patil, the learned counsel for the petitioner strenuously contends that the petitioner is owner and possessor of 2 H and 72 R land of Gat No.20, situated at village Baswantpur, Tq. & Dist. Latur. An area of 2 H 27 R was acquired. When the Measurement was carried out by the Land Acquisition Officer, no notice was issued to the present petitioner. Compensation is paid to the petitioner only in respect of 2 H 27 R land. The learned counsel submits that in the year 1999, award was passed. The petitioner has carried out measurement in the year 2002. As per the said measurement report, the respondents have taken in their possession 14 R excess land. According to the learned counsel, the respondents be directed to take

up acquisition proceedings in respect of 14 R land. Even notice was issued by the petitioner in the year 2002, however, no action is taken by the respondents till date.

2. The learned AGP submits that the possession was taken by the acquiring body even prior to the passing of award by private negotiation. The land of the petitioner under acquisition was 2 H 27 R. Compensation for the same is also paid as per the award. According to the learned AGP, the petitioner had not raised any objection to the joint measurement at any point of time.

3. Mr. Navandar, the learned counsel submits that the acquiring body has taken possession of only 2 H 27 R land of the petitioner and the petitioner is paid compensation of the said land as per the award in the year 1999.

4. We have considered the submissions.

5. As per the award passed on 21.01.1999, 2 H 27 R land of the petitioner was acquired. It is not disputed that the petitioner has been paid compensation for the said land. The award also states that the Acquiring

Body has taken possession of the property, acquired by private negotiation, prior to the passing of the award itself. It also states of joint measurement being carried out. No objection appears to have been raised to the joint measurement carried out prior to the acquisition. Objection of the petitioner now cannot be considered only on the basis of measurement carried out by the petitioner in the year 2002.

6. Considering the above, no case is made out. Writ petition is accordingly disposed of. No costs.

(K. L. WADANE, J.) **(S. V. GANGAPURWALA, J.)**

JPC