

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 306 OF 2015

Sanjay Gandhi Magasvargiya Sahakari
Gruh Nirman Sanstha, Jadhavwadi,
Aurangabad through its Chairman

.. Petitioner

Versus

The State of Maharashtra & Ors.

.. Respondents

.....
Mr P. G. Deshmukh, Advocate h/f Mr. H. A. Joshi, Advocate for the petitioner
Mr. P. S. Patil, AGP for respondent/State
Mr S. S. Thombre, Advocate for respondent No. 5
.....

WITH

WRIT PETITION NO. 307 OF 2015

Bhairavnath Sahakari Gruhnirman Sanstha Ltd.
Jadhavwadi, Tq. & Dist. Aurangabad
Through its Chairman.

.. Petitioner

Versus

The State of Maharashtra & Ors.

.. Respondents

.....
Mr P. G. Deshmukh, Advocate h/f Mr. H. A. Joshi, Advocate for the petitioner
Mr. P. S. Patil, AGP for respondent/State
Mr S. S. Thombre, Advocate for respondent No. 5
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**CORAM : A.V.NIRGUDE &
V.L. ACHLIYA, JJ.**

DATED : 04.05.2016.

PER COURT :

. Both these petitions can be disposed of by this common order. These petitions are filed by proposed Cooperative Societies. The case of the proposed societies can be narrated as under:

2. It is their case that, Lalchand Dagadu was the owner of the land Gut No. 7/5, adm. 5 acre 33 guntha, village Jadhawwadi, Tq. & Dist. Aurangabad. In December 1982, Lalchand purportedly sold some pieces of land to as many as eight persons. These eight persons then made application for mutations and according to the petitioners, mutation took place in 1982. On 20.04.1983, the Government issued notification u/s 4 of the Land Acquisition Act, proposing to acquire the petitioners' land Gut No. 7/5 amongst other lands. On 26.06.1987, award was passed. Before the award could be passed, it is said that, possession of the land was taken over in March 1986 from original owner Lalchand Dagadu and others. In or about 1986, Rangnath and others agreed to sell lands to the petitioners' proposed

societies. The petitioner-societies want to contend through these petitions that, the land belonging to them and the acquisition had lapsed as per the provisions of Section 24 of the Land Acquisition Act. The Collector rejected their case holding that, they have no locus to seek such declaration. Besides, he also recorded finding that, original owner Lalchand and others had received part compensation and had also delivered possession of land to the Land Acquisition Officer. The only question that arises for our consideration is, whether the petitioner-Societies have locus to file the petitions. In other words, whether they have title to the land concerned. The answer is in negative. Admittedly, the societies got propriety concerned to the land after the date of notification u/s 4 and 6 of the Land Acquisition Act.

3. In view of this, the anomaly in the title of the petitioner-societies would go to the root of the petitioners' petitions. We therefore are not inclined to examine whether the land acquisition lapsed vis-a-vis the petitioner-societies. The petitions therefore stand dismissed.

[V.L.ACHLIYA, J.]

[A.V. NIRGUDE, J.]