

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5438 OF 2016

Prabhakar Shankar Gite.

..Petitioner.

Versus

State of Maharashtra & Others.

..Respondents.

Mr. V. B. Tapkir for the Petitioner.

Mr. A. V. Anturkar, Senior Advocate with Mr. S. B. Deshmukh for
Respondent No. 2.

Mr. S. R. Nargolkar for Respondent No. 3 and 4.

Mr. P. P. Kakde, AGP for Respondent No. 1.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.

Date : **August 10, 2016.**

P. C. :

1. Heard the learned Counsel appearing for the respective parties. The Petitioner who claims to be the social activist has challenged an order whereby land bearing Gat No. 592/B, Anjenari, taluka Trimbakeshwar, district Nashik is allotted in favour of Respondent No.2

2. Respondent No.2 has filed detailed affidavit. It is pointed out that in the year 2011 another social activist by name Prakash Eknath Chaudhari had filed a writ petition in this Court, being Writ Petition No.10392 of 2011. The reliefs sought in the present writ petition are the same as sought in Writ Petition No.10392 of 2011. Writ Petition No.10392 of 2011 was dismissed by this Court vide order

dated 20th December 2011. This Court held that the very basis of the challenge to the allotment of land in favour of Respondent No.2 is unfounded and incorrect. It was also held that the contention of the said Petitioner that mortgage was obtained by Respondent No.2 without permission from the Government was not correct in view of the Government's affidavit dated 9th December 2011. This order was challenged by said Prakash Eknath Chaudhari by filing an SLP before the Apex Court, being SLP (CC) No. 20317 of 2014. That SLP also came to be dismissed by the Apex Court vide its order dated 12th December 2014 on the ground of delay as well as on merits.

3. Despite above facts, the Petitioner has approached this Court with the same reliefs which had been once rejected by this Court as well as by the Apex Court. This is nothing but abuse of the process of law. In that view of the matter we dismiss the writ petition with exemplary cost of Rs.50,000/-. The Petitioner shall pay cost of Rs.50,000/- to the Maharashtra State Legal Services Authority within six weeks from today. If the Petitioner fails to pay cost within the stipulated period, the Collector Nashik shall recover it from the Petitioner as arrears of land revenue.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]