

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.4007 OF 2016

[Ku. Varsha Bhalchandra Suryawanshi .vs. State of Maharashtra and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.U. Bhuyar, counsel for the petitioner,
Shri V.P. Maldhure, AGP for the respondents.

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CORAM : SMT. VASANTI A. NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATED : JULY 22, 2016.

By this writ petition, the petitioner challenges the Award, dated 22.1.1993, passed by the Special Land Acquisition Officer, Buldhana. The petitioner claims to be the owner of the land that was acquired under the Maharashtra Industrial Development Corporation Act, 1961.

It is the case of the petitioner that though the petitioner had purchased the land in the year 1987 by a registered sale deed, no notice was issued to the petitioner in the acquisition proceedings under the Maharashtra Industrial Development Corporation Act and the petitioner, therefore, could not raise the objection. It is stated that in stead of recording the name of the petitioner in the Award passed by the Special Land Acquisition Officer, the name of the erstwhile owner is shown.

The issues involved in this writ petition cannot be decided in writ jurisdiction. It appears that there is a dispute between the petitioner and the person from whom the petitioner purchased the land in the year 1987. If the compensation is wrongly paid to the erstwhile owner, the petitioner has other remedy. In stead of availing the remedy, the petitioner has filed the writ petition challenging the very acquisition proceedings. The acquisition proceedings cannot be challenged on this ground, more so when

the Award is passed in the year 1993. It was necessary for the petitioner to have taken appropriate steps, if there was a dispute between the petitioner and the erstwhile owner.

In the circumstances of the case, we dismiss the writ petition, with no order as to costs. The points raised in the writ petition are kept open.

JUDGE

JUDGE

Gulande, PA

CERTIFICATE

“I certify that this order uploaded is a true and correct copy of original signed order.”

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