

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

WRIT PETITION NO. 2653 of 1992
WITH
CIVIL APPLICATION NO. 14608 OF 2016
WITH
CIVIL APPLICATION NO. 13820 OF 2017
IN
WRIT PETITION NO. 2653 of 1992

Ghumanmal Prabhudas Moriani,
age 66 years occupation agriculture
R/o 289, Sindhi Colony, Bhusawal District Jalgaon.

...PETITIONER

VERSUS

1. The Collector, District Jalgaon,
Jalgaon
2. Settlement Commissioner,
Evacuee Properties,
Government of Maharashtra,
3rd Floor, Kokan Bhavan, New Bombay.
3. Chief Settlement Commissioner,
Rehabilitation Department,
Government of India, Jaisalmer House, New Delhi.
4. The State of Maharashtra,
Mantralaya, Bombay 400 032
5. Union of India,
New Delhi
6. Ghelaram Bhuromal,
through his Constituted Attorney Shri Vishin D. Adwani,
R/o 19, Bank Street, Fort, Bombay – 1
(Petition dismissed against respondent No.6
as per order dated 30/10/1995)

...RESPONDENTS

Mr B.R. Waramaa, Advocate for petitioner.

Mr A.P. Basarkar, Asstt. Govt. Pleader for Respondents No.1, 2 & 4

Mr B.B. Kulkarni, Advocate for respondents No. 3 and 5

CORAM : NITIN W. SAMBRE, J.

DATE : 17th November, 2017

ORAL ORDER :

Heard Shri Waramaa, learned Counsel for the petitioner and Shri Basarkar, learned Asstt. Govt. Pleader for respondents No. 1, 2 & 4.

2. The petitioner and respondent No.6 claimed to be displaced persons migrated from Pakistan. Settlement Commissioner allotted the land In favour of respondent No.6 as he was migrated from Pakistan. The petitioner has questioned said allotment of land in favour of respondent No.6. Petition is initiated in 1992 and till date no service is effected against respondent No.6. As such, this Court dismissed the petition against said respondent on October 30, 1995.

3. If the cause in the petition is perused, it is noticed that the allotment of land in favour of respondent No.6 is questioned in his absence, as the petition is already dismissed against him.

4. During hearing on 3rd November 2017, it was noticed that apart from dismissal of petition against respondent No.6, the

petitioner also stood expired on 15th November 1994, whose legal representatives are sought to be brought on record after a period of about 23 years, that too without any convincing explanation for the inordinate delay.

5. That apart, now application is moved for restoration of the petition against respondent No.6, however, fact remains that respondent No.6 till this date remained unserved.

6. Affidavit is tendered in the Court that the petitioner, without any permission from this Court, has tried to serve respondent No. 6 by paper publication. However, same is hardly of any consequence. The fact remains that said respondent remained unserved since 1995 and it is really difficult to believe that the service on respondent No.6 could be considered to have been effected by virtue of additional affidavit. As such, the allotment in favour of respondent No.6 has already attained finality. The petitioner also expired some 24 years back.

7. In view thereof, the petition stands dismissed as not maintainable.

8. As a consequence, Civil Applications moved are also dismissed.

(NITIN W. SAMBRE, J.)

pjm