

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

WRIT PETITION NO. 4307 OF 2016

**MACHINDRA BABURAO KAKADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

with
WRIT PETITION NO. 4308 OF 2016

**ARJUN BHANUDAS KAKADE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioner : Parnere Satish B
AGP for Respondents: A.R. Kale

...
**CORAM : S.C. DHARMADHIKARI &
MANGESH S. PATIL, JJ.**
DATE : 09.06.2017.

PC. :-

. By these writ petitions under Article 226 of the Constitution of India, the petitioners pray for issuance of a writ of mandamus or any other appropriate writ in the like nature thereof declaring that the earlier land acquisition proceeding as per award dated 09.07.1970 in respect of the land more particularly described in prayer clause 'B' has lapsed.

2. The petitioners place reliance upon Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and

Resettlement, Act 2013 (for short the Act of 2013). They seek a further direction to the respondents to initiate land acquisition proceedings afresh as per this Act of 2013.

3. The writ petition no. 4307 of 2016 proceeds on the footing that the petitioner therein is a citizen of India and a permanent resident of Jalna district. The petitioner's father Baburao Natha Kakade was the owner and in possession of 3 acre 20 Gunthas land. There are also other land owners. The complete description of this land is set out in para 1 of the petition. The first respondent is state and the second respondent are the Collector and Sub Divisional Officer, Sub Division, Ambad, District Jalna.

4. The petitioner describes as to how in the year 1969-70 there was flooding and which affected several villages including the subject village. The respondents decided to acquire the agricultural lands for rehabilitation of flood affected persons of the subject village. Since there was a call from the Government to offer the land for resettlement of flood affected villagers, the petitioner's father and along with his brothers responded and they offered their land for rehabilitation and stated that they must be compensated as per the market rates. The petitioner relied upon a conditional consent letter dated

23.02.1970, a copy which is at annexure 'A' to the petition. The petitioner also relies upon the 7/12 extracts in relation to the subject land, which according to him, indicate that his name appears in the ownership column.

5. The petitioner states that, thereafter, his father and himself time and again requested the respondents to pay the compensation but that has not been paid. The petitioner relies upon a notice dated 15.09.2008 issued by the Tahsildar, Ambad and which refers to the above facts. The petitioner states that he replied to that notice through his advocate and requested that the proceedings pursuant thereto be dropped.

6. The petitioner does not dispute that a writ petition no. 1770 of 2011 was filed in this Court on the basis of the judgment and order dated 03.12.2010 passed by this Court in writ petition 1612 of 2010. That writ petition was filed by the uncle of the petitioner and another land owner in the same gut no. 25. The petitioner places heavy reliance on an affidavit in reply filed by the Tahsildar, Ambad in that petition, according to him, in which it was stated that the notice was wrongly issued and the land in question has not been acquired and, thereafter, writ petition no. 1770 of 2011 was allowed

by this Court on 26.08.2011.

7. It is then fairly stated that one of the alleged encroacher on the land, a Gram Panchayat member along with the then Sarpanch filed writ petition no. 9606 of 2011 in this Court and sought complete recall of the earlier orders. It was pointed that not only the land acquisition proceedings initiated way back in the 1970 were final and conclusive and even compensation amount is paid to the petitioner, but several plots which were in possession of the State have been distributed to the affected villagers. It is then apparent from the pleading and particularly para 6 of this petition that during the course of hearing of the petition seeking recall of the earlier orders, this court directed the respondents to produce the original record about payment of compensation. The respondents produced a copy of the award but failed to produce any record in respect of the compensation amount to the land owners or any record regarding taking of possession of land or distribution of plots.

8. It is in these circumstances that his Court directed the then appearing Government Advocate to take instructions and after the same were

obtained, it is then averred that this Court allowed the latter petition and recalled the orders passed earlier. This Court held that the writ petition was decided on the basis of erroneous affidavit. Despite all this the petitioner would submit that this Court has kept alive the issue and controversy about lapsing of the acquisition proceedings. It is pursuant to the clarificatory order that the instant writ petition has been filed. Throughout it is maintained that, though, there is reference to an award but there is no proof of any payment being made to the petitioner.

9. It is on such petitions that we have heard the learned advocate appearing for the petitioners at great length. He would submit that there is no attempt to get over any factual findings rendered earlier nor is the petitioner attempting to knockout or recover monies in the form of compensation from the State. He would submit that this is not an old, stale or dead claim. The petitioner submits that the law on the point is clear, in that regard he would rely upon Section 24 of the Act of 2013 to submit that once the steps contemplated by sub-section 2 thereof have not been taken, then, all the earlier proceedings lapse. The power to acquire is still reserved in the State and it can initiate the proceedings afresh. Reliance is placed on the

following judgments rendered by the Hon'ble Supreme Court:

- 1) *Pune Municipal Corporation & Anr. V/s. Harakchand Misrimal Solanki ors.*, reported in 2014 AIR SCW 787.
- 2) *Tukaram Kanha Joshi & Ors. V/s. Maharashtra Industrial Development Corporation & Ors.*, reported in (2013) 1 SCC 353.
- 3) *Rattan Singh V/s. Union of India & Anr.*, reported in (2015) 16 SCC 342.
- 4) *Union of India V/s. Shiv Raj*, reported in 2014 AIR SCW 3389.
- 5) *Delhi Development Authority V/s. Reena Suri & Ors.*, reported in (2016) 12 SCC 649.
- 6) *Aligarh Development Authority V/s. Megh Singh & Ors.*, reported in (2016) 12 SCC 504.
- 7) *Manav Dharma Trust V/s. Government of NCT Delhi & Anr.*, reported 2014 SCC Online Del 1891
- 8) *Om Prakash V/s. Union of India & Ors.*, reported in 2014 SCC Online Del 6662.

10. We have carefully perused the writ petitions and all the annexures thereto. Annexure 'A' collectively to the writ petition no. 4307 of 2016 at page 15 is a consent letter. The consent letter is signed by three persons one of whom, according to the petitioner, is his father. These persons

have voluntarily given written consent for acquiring their lands and do not have any claims except for compensation as per the market rate. They have stated that the consent letters have been issued without any pressure or force, leave alone inducement. Then there are references made to the 7/12 extracts, copies of which have been obtained on the eve of institution of these petitions. These writ petitions are instituted on 09.02.2016.

11. At annexure 'B' page 18 is a notice addressed to Baburao Natha Kakade i.e. the notice dated 15.09.2008. This notice refers to the consent of the land owners including Baburao Natha Kakade. This refers to the concluded acquisition proceedings. This notice only intimates the parties that the name of the State Government was not entered in the land revenue records, that is why necessary entries/corrections in the 7/12 extracts would be made and if they have any objection they must revert back to the concerned officials exercising powers under the Maharashtra Land Revenue Code, 1966.

12. On 20.03.2010, this notice was purportedly replied through an advocate. Pertinently this notice was to be replied within a period of eight

days from the date of its receipt. However, we do not have a record of any such reply even except this advocate's letter dated 20.03.2010. This letter admits that there were proposals and proceedings for acquisition, however, the land acquisition proceedings cannot be said to be concluded because compensation amount has not been paid. This letter pertinently makes reference to the communication from the Sub Divisional Officer dated 18.08.2009, which informs and purportedly that he desires to commence proceedings for acquisition of gut no. 25, however, gut no. 25 has never been acquired. It is in these circumstances, it is stated that the petitioner's name cannot be deleted from the 7/12 extract and they have an objection to the same which have they have already submitted in writing. It is stated that, at the same time, the State has utilized the land without acquiring it, this utilization and use is from 1970. It is in these circumstances, that we have serious and genuine doubts about the bonafides of the petitioners' claim and this litigation. If the petitioner's father had been deprived of the land from the year 1970 and no acquisition proceedings were ever initiated or if initiated they were never concluded in accordance with law by payment of compensation, then, we do not see any justification for everybody in the family including the father not raising any objection or a protest. It is without

any demur or protest that the lands were handed over voluntarily and secondly, from 1970 till the date of the notice from the Tahsildar, we do not have any record of the petitioners' having objected to these acts. Pertinently, the petitioner relies upon some proceedings which were initiated in this Court by the co-owners of the land.

13. What we have noticed is that this is not a solitary case, which we hope is the last one in the line for taking advantage of the repeal of the old law and the provisions such as Section 24 particularly sub-section 2 thereof. By filing writ petitions in this Court, the attempt is to to get back the land already vesting in the State or to seek the compensation by demanding initiation of acquisition afresh in terms of the new law. One cannot rule out the possibility of such provisions being misused by persons who do not raise any objection or protest, though, allegedly been deprived of their land. If the lands have remained in possession of the State without the State adhering to law, then, we expect the parties like the petitioner not to remain silent but to take appropriate proceedings in a competent Court of law by relying on their right, title and interest in the property and the wrongful interference or intervention therein by the State. The spate of such litigation like the instant

petitions with effect from 26.09.2013, when the Act of 2013 was brought into effect, alerts us.

14. Additionally, we are alerted because on the own showing of the petitioner, the petitioner's father was in receipt of a letter dated 15.06.2009 from the Collector, District Jalna which refers to the protest of the petitioner's father for the first time that he has not received the compensation for this acquisition.

15. Writ petition no. 1612 of 2010 was filed by Sheshrao Bhanudas Kakade and two others versus these very respondents and an order was passed by this Court on 03.12.2010. That order reads as under:

“1. The petitioners have filed the present petition, for a direction to the respondents, not to claim ownership over land Gut No.25 of village Pithori Shirasgaon (Taluka : Ambad, District : Jalna), and for an order of restraint, restraining the respondent no.3 from mutating the name of the State Government in ownership column of 7/12 extract.

2. In the affidavit in reply filed by the respondent no.3/Tahsildar, it is categorically stated that the land in question, in Gut No.25, is owned by the present petitioners and the State Government has not acquired the same.

3. *In that view of the matter, the petition is disposed of, with a direction, that in ownership column of 7/12 extract, in respect of land in Gut No.25 of village Pithori Shirasgaon (Taluka : Ambad, District : Jalna), the name of the State Government shall not be entered and, that the names of the petitioners be entered, as per the Panchanama.”*

16. In writ petition no. 1770 of 2011 filed by this very petitioner, we find that despite execution of the consent letter by his father and handing over the properties/land voluntarily, there is an averment in the memo of that writ petition that no proceedings for acquisition of the land were initiated and no compensation was paid. Pertinently a guarded statement is made that the respondents in that writ petition, who are identical to the present respondents have acquired land in gut no. 304 (old survey no. 186) ad-measuring 10 acres and for no reason the Government they are still claiming the land of the petitioner. There are some ill-wishers and encroachers, who have already encroached on some portions of the land and have constructed houses. Since the government is claiming ownership over the land, they are not paying any heed to the petitioner and it became very difficult to prevent them.

17. Such guarded statements and the assertions that Government has

not legally acquired the land was enough for this Court to call for original the records and insist on their production. We have found from such old and stale claims that the records are not traceable or the originals are not found or there is no contemporaneous data. Taking advantage of such a situation the proceedings like the present one are initiated and dead claims are sought to be revived. It is such an attempt made by the petitioner by filing writ petition no. 1770 of 2011. The writ petition was filed on 25.01.2011, with the very same documents but additionally reliance was placed upon the order dated 03.12.2010.

18. The writ petition no. 1770 of 2011 along with civil application no. 9746 of 2011 was placed before a Division Bench of this Court on 26.08.2011 and it passed the following order:

“1. Learned counsel for the petitioner states that in view of the communication dated 24th June, 2011 addressed by the Tahsildar, Ambad, which is produced on record (marked “X” for identification purposes), the grievance of the petitioner does not survive. The Writ Petition is disposed of as such.

2. In view of disposal of the Writ Petition, Civil Application No. 9746 stands disposed of accordingly.”

19. Thereafter, the Gram Panchayat, through its Sarpanch (the Gram Panchayat Pithori Sirasgaon) filed a writ petition. It is the villages of which this Gram Panchayat is constituted which was affected by floods. The gram panchayat's petition contains elaborate and complete pleading. It asserts that the father of the respondent nos. 5 to 8 (pertinently the petitioner was respondent no.8 to that petition) have already been paid the compensation amount and they have received it. However, they colluded with each other and equally with the Government officials and obtained orders from this Court. Thus, a prayer was made to initiate an inquiry against the respondent no.4-Subhash Keshavrao Kakde.

20. The writ petition memo to the extent relevant reads thus:

“2) Petitioners by way of present petition challenging the orders dated 03/12/2010 and 20/08/2011 which is obtained by the respondents 5 to 8 in collusion with the respondent's no.3 and 4 and praying for quashing of the orders and seeking direction to conduct the inquiry against the respondent no.4.

3) Petitioners submit that, petitioner no.1 Gram Panchayat is having population 2,500 consisted of 3 wards and total elected members are 9 and from Shobhanagar Vasti ward no.1 is a situated, petitioner no.2 is elected from that ward no.1. Petitioner

submits that, petitioner implemented the scheme for providing drinking water by constructing water tank and also five hand pumps are provided and Zilla Parishad Primary School is constructed which is running 15 to 16 years.

4) Petitioners further submit that, in the year 1969-1970 there was a flood to River Galati which is sub River to Godavari River in which several villages are declared flood affected including the village Sirasgaon, therefore, the respondent's no. 1 and 2 taken the decision for acquisition of agriculture land for rehabilitation village of Sirasgaon to Pithorisirasgaon in the year 1970. Petitioner submits that, the Shobhanagar Vasti which is a rehabilitated in Survey No. 186 (Gut No. 25) and Survey No. 14 (Gut No. 304) near about 100 to 125 house wear constructed after allotment of 45x70 sq.ft. plots to the affected persons. The Shobhanagar Vasti is a within the Gavthan of Pithorisirasgaon Gram Panchayat.

5) Petitioners submit that, it is clear that on 23/08/1970 the father of respondents 5 to 8 given the consent letter for the acquisition of land by mutual consent by negotiation with the respondents 1 to 3. The Bhanudas Bhivsen is having 8 Acre 12 Gunthe land in Survey No.14 and new Gut No. 25. Petitioner submits that, Hariramji Talekar also given the consent letter in respect of 15Acre land from Survey No. 186 (Gut No. 304). The Copy of Sanmatipatra executed along with Kesu Bhivsen and

Babunatha father for respondents 5 to 8 and others is enclosed herewith and marked as Exhibit "A" collectively.

6) *Petitioners submit that, the father of the respondent's no. 5 to 8 also received the compensation for the acquire land for the purpose of rehabilitation. Therefore, on the 7/12 extract right from 1970 in the 7/12 extract purpose of Abadi was shown in cultivation column and thereafter constructions of house Shobhanagar Vasti was mentioned in the cultivation column. The copy of 7/12 extract is enclosed herewith and marked as Exhibit "B".*

7) *Petitioners submit that, the documents showing the proofs of Revenue record and acquisition proceeding and the receipt of accepting the payments by the father of the respondents 5 to 8. The copy of receipt of payment are enclosed herewith and marked as Exhibit "C" collectively."*

21. Thus, this writ petition essentially pointed out the collusion and the fraud, by referring to the reply affidavit filed by the fourth respondent to that writ petition. The averments in that behalf are to be found in para 9, 10, 11, and 12, which read as under:

"9) Petitioners submit that, in the Writ Petition 1612/2010 reply was filed by the respondent no.4 on 16/08/2010 in which contention was raised that the land Gut No. 25, Mauje

Pithorisirasgaon was in possession of the rehabilitated persons and it is also made clear that the Panchanama was prepared on 04/07/2010 and it is also made clear that in respect of Gut No. 304 is concerned 10 Acre out of 12 Acre land was acquired by the government and accordingly mutations was sanctioned for recording the name of State of Maharashtra in the 7/12 extract. However, the respondent no.4 filed additional reply and changing his earlier stand completely stating that notice as alleged in the writ petition was issued wrongly by showing that the land was never acquired in fact the reply is filed in collusion with the original petitioners and present respondents no. 5 to 8 contrary to the records produced along with the affidavit against the interest of the respondents 1 to 3 and also against the petitioners 1 and 2 as the Shobhanagar Vasti is a part and parcel Village Panchayat, Pithorisirasgaon. The copy of writ petition and also reply filed by the respondents are enclosed herewith and marked as Exhibit "D" collectively.

10) Petitioner submits that, the writ petition was disposed on 03/12/2011 on the basis of reply filed by respondent no.4 and the direction was issued not to enter the name of State Government on 7/12 extract in respect of Gut No.25 of village Pithorisirasgaon and recording of the name of respondents 5 to 8. The copy of order is enclosed herewith and marked as Exhibit "E".

11) Petitioners submit that, again writ Petition No. 1770/2011

was filed by respondent no.8 adding only respondents 1 to 3 as a party without adding the petitioner no.1 as a party and also rehabilitated persons from the Shobhanagar Vasti. However, prayer was made against petitioner no. 1 and 2 that is rehabilitated persons residing in the Shobhanagar Vasti 15 to 16 years as per the rehabilitation scheme of respondent's no. 1 to 3 on 24/03/2011 by the same advocate appeared in writ petition 1612/2010 praying following relief.

- A) Writ Petition may kindly be allowed.*
- B) By issuing appropriate writ, order or directions the respondent be directed not to claim ownership over land Gut No.25 of Villa Pithorisirasgaon Tq. Ambad, Dist. Jalna without following proper procedure prescribed under Land Acquisition Act and orders passed in WP-1612/2010.*
- C) By issuing appropriate writ, order or directions the respondent no.3 Tahsildar be directed to withdraw impugned show cause notice dated 15/09/2008 in respect of petitioner also in view of order passed in WP 1612/2010 by this court on 03/12/2010 and further be directed to remove the names of encroachers Shobhanagar Vasti from 7/12 in land Gut No. 25 of village Pithorisirasgaon, Tq. Ambad, Dist. Jalna.*
- D) Any other suitable and equitable relief to which the petitioners are found entitle be granted in the interest of*

justice.

12) Writ petition 1770/2011 was came to be disposed on the basis of letter dated 24/06/2011 address to the Assistant Government Pleader High Court, Aurangabad and it is clear that respondent no.4 joining hands with the respondent 5 to 8 completely supported the respondents without going through the records submitted in respect of land acquisition proceedings and compensation received by them after the acquisition of land by the respondent 1 to 3 on the basis of omissions of respondents 1 to 3 in taking correct entries on 7/12 extract submitting that the disputed land belongs to the respondents no.7. The writ petition disposed on 26/08/2011. The copy of writ petition memo and order is enclosed herewith and marked as Exhibit "F". "

22. It is extremely unfortunate that, when this Court was informed by the Gram Panchayat that the name of the State of Maharashtra was earlier entered but erroneously deleted, still no steps were taken. No steps were also taken when the apparent fraud and collusion was brought to the notice of the State officials. It was only when there was an intervention by the gram panchayat and the villagers that this fraud was noticed.

23. That there is a clear attempt to mislead this Court and virtually take it for a ride is then apparent from the Division Bench order on Writ

Petition No. 9606 of 2011, passed on 04.01.2016, copy of this order is at page 50 of the paper book. That order reads thus:

“ The present petition assails the order dated 03rd December, 2010 passed in Writ Petition No. 1612 of 2010 and order dated 26th August, 2011 passed in Writ Petition No. 1770 of 2011, wherein this Court relying on the affidavit filed by the Tahsildar stating that land gut No.25 is owned by the petitioners therein and the State Government has not acquired the same. The writ petitions were disposed of directing the names of the petitioners be entered as per the panchanama. However, in the present petition the Sub Divisional Officer has filed affidavit categorically stating that the land survey Nos. 14/1, 14/2, 14/3 and 186/1 of village Pithori Shirasgaon are acquired. The typed copy of the award is also placed on record showing the acquisition of these lands.

2. The affidavit also shows that, 2/3rd amount of compensation is already paid. According to the respondent Nos. 5 to 8, the total amount of compensation is not paid to them and in view of provisions of Sec. 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, the acquisition even if it is there stands lapsed. This Court had directed to produce the record. The copy of award and some letters are placed, however, the learned A.G.P. shall seek the assistance of the respondent authorities to take instructions as to whether the entire compensation amount is paid

to the persons from whom land is acquired.

Stand over to 18.01.2016.”

24. Fortunately, the above order was ad-interim and not final. Then, on 25.01.2016 Gram Panchayat's petition was heard extensively and this Court, after referring to the undisputed factual position including that there was no protest by filing any affidavit in reply nor any denial of the allegations of collusion and fraud, observed thus:

“7. In the present petition, award has been placed on record along with affidavit of the Sub-Divisional Officer clearly stating that in respect of lands of respondent nos. 5 to 8, award has already been passed. In the affidavit, it has been stated about payment of compensation amount also to the claimants. According to the learned Counsel for respondent nos. 5 to 8, as entire amount of compensation has not been paid to these respondents or their predecessor nor the said amount is deposited in the Court, the proceedings stand lapsed.

8. The same is not the subject matter of issue in the present petition. The petition is filed limited to the extent of earlier orders passed in Writ Petitions. As in the earlier Writ Petitions, the petitioners had not brought to the notice of the Court, that the award has been passed and said Writ Petitions are decided on the basis of erroneous affidavit filed by the Tahsildar stating that the

said lands have not been acquired, the orders passed by this Court in earlier Writ Petitions deserve to be set aside.

9. *In the result, the petition is allowed.*

(a) *The order dated 3-12-2010 in Writ Petition No. 1612 of 2010 and order dated 26-8-2011 in Writ Petition No. 1770 of 2011 are set aside.*

(b) *The present respondent nos.5 to 8 are at liberty to take up appropriate proceedings regarding lapsing of acquisition, in case, they had not received the entire amount of compensation as per the earlier award.*

10. *The Writ Petition stands disposed of accordingly.”*

25. We find that except stating that the total amount of compensation has not been received by the persons from whom the land is acquired, no material was ever brought on record by the present petitioner who was respondent no.8 in that petition, nor did he place any denial on record of serious allegations of collusion and fraud. It is pursuant to the liberty granted in the order re-produced above that the present writ petition is filed. This writ petition is also then referring to same documents including the very Sub Divisional Officer's communications, the letter of the Collector of the District

and which are annexed as annexure 'J' collectively. These are questionable documents and no reliance can be placed on the same. In the teeth of the observations of this Court, which we have re-produced earlier, we have, therefore, not insisted on filing of any affidavit by the State Government or the respondents to this petition, simply because the above materials are enough for rejecting the claim of the petitioners.

26. Their entire claim is founded on fraud and collusion and can safely be termed as dubious. Litigants like the petitioners cannot be prevented from filing cases after cases and in the manner noted above. However, the act can be prevented by stringent, strict and deterrent measures. Litigation has to be discouraged else public trust and confidence in the Judicial system will be destroyed. Unless and until heavy personal costs are imposed, it is not possible to prevent such a litigation. The costs ought to be consistent with the prices and rates prevailing today.

27. We do not see how the petitioners' can be assisted and by relying upon the judgments cited by the learned counsel. In each of these judgments there was never any case of fraud but a plea was raised by the respondents or the State officials of delay and laches. It is that plea alone which has been

dealt with by observing that, if people who are poor, illiterate and do not have easy access to justice but deprived of their lands and they raised protests by personal visits then, merely because some letters, written complaints and documents are not placed on record, their claims cannot be styled as old, stale and bogus.

28. It is in that regard that the Hon'ble Supreme Court reminds the High Courts' of their duty to uphold the constitutional mandate enshrined in Article 300-A of the Constitution of India. It is in that context, the observations have been reiterated by referring to earlier judgments, that right to property is also a human right. We do not see any reason to rely upon this principle so as to assist dishonest litigants like the petitioners. We have found from the record that some officials of the State, are ever willing to oblige such litigants by non production of the original records or by filing vague affidavits or making general submissions. If such vital documents as are now noticed by this Court have been kept back from the Court, earlier orders obtained on that basis which had to be recalled and quashed later on, then, it would not be safe to grant any relief to the present petitioners.

29. Additionally, we find that all the proceedings have been

concluded in the year 1970 itself, by mere reliance on a communication from the Tahsildar, who was exercising powers under the Maharashtra Land Revenue Code, 1966, so as to delete the revenue entry, we cannot re-open such concluded acquisition proceedings. We cannot then reward or permit parties to the petitions to derive any benefit and obtain any advantage in the form of monetary compensation at today's rate or direct a fresh acquisition proceeding to be initiated in terms of the Act of 2013.

30. We have to discourage such attempts as are made by parties to these petitions. They have to be discouraged at the threshold itself. In these circumstances, we proceed to dismiss both these writ petitions, with costs quantified at Rupees One Lakh in each petition. If the costs are not paid within four weeks, they shall be recovered from the petitioners as arrears of land revenue.

[MANGESH S. PATIL, J.]

[S.C. DHARMADHIKARI, J.]