

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

WRIT PETITION NO. 3979 OF 2016
GOROBAKAKA NIVRUTI SHELKE
VERSUS
THE DISTRICT COLLECTOR LATUR AND ANOTHER

Mr.R.K.Ashtekar, Advocate h/f Mr.D.N.Gilche, Advocate and
Mr.N.B. Sandanshiv, Advocate for the petitioner
Mr.C.S.Kulkarni, AGP for the respondent/State

**CORAM : S.V. GANGAPURWALA &
S.M. GAVHANE, JJ.**

DATED : 07.12.2017

P.C. :-

. The petitioner seeks compensation for an area of 13-R land from Gut No.85, situated at Harangul (Bk), Tq. & Dist. Latur on the ground that the same is acquired by the respondent.

2. We have heard Mr.Ashtekar, Advocate for the petitioner. He submits that the petitioner was owner and possessor of the 53-R land. 60-R land was converted into non-agriculture in the year 1985. 13-R land was acquired by respondent authority, but the respondent authority refused to give the amount in favour of the petitioner. The other persons have withdrawn the amount.

3. Learned AGP submits that the petitioner had sold

60-R land prior to acquisition and 13-R land was not acquired. The petitioner sold 13-R land under registered sale deed dated 21.04.1999 for a consideration of Rs.32,000/-.

4. We find that present petition is not bonafide one and the petitioner is trying to take undue advantage. The petitioner claims to be owner of 73-R land. 60-R land is already sold out before acquisition is not disputed by the petitioner. It appears from the sale deed dated 21.04.1999 produced by learned AGP that the petitioner sold 13-R land from Gut No.85 to Arvind Kamble for a consideration of Rs.32,000/- and also delivered possession of the said property to the purchaser. The sale deed is three months after the award is passed.

5. The petitioner in all fairness ought not to have filed the petition that too after lapse of 17 years of the award has been passed and after having sold the property under registered sale deed. The petition is not bonafide on the contrary smacks of malafides.

6. The writ petition stands dismissed with costs.

[S.M. GAVHANE, J.]

[S.V. GANGAPURWALA, J.]