

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

WRIT PETITION NO. 9379 OF 2015

Kisan Tukaram Satav	.. Petitioner
Versus	
The State of Maharashtra and others	.. Respondents

Shri D. R. Jayabhar, Advocate for the Petitioner.
Shri V. M. Kagane, A.G.P. for Respondent Nos. 1 and 2.
Shri Gulab B. Rajale, Advocate for the Respondent No. 3.

**CORAM : S. V. GANGAPURWALA AND
K. L. WADANE, JJ.**

DATE : 27TH FEBRUARY, 2017.

PER COURT :

. Mr. Jayabhar, the learned counsel for the petitioner states that, the petitioner is the owner and possessor of land gut No. 53 situated at village Kondegavhan. The respondents have acquired land for the purpose of canal and rehabilitation. The respondents have not utilized the land for the purpose of canal. To substantiate his contention, the learned counsel relies on the letter dated 16th September, 1998 issued by the Executive Engineer Kukadi Project. According to the learned counsel, if the land is not utilized for the purpose for which it is acquired, the same has to be returned back to the original owner. The said aspect needs to be considered. In the affidavit details are given with regard to land acquired for rehabilitation purpose, but no details are forthcoming with regard to the land acquired for canal.

2. Mr. Rajale, the learned counsel for the acquiring body submits that, the land acquired of the petitioner was utilized for the purpose of canal and rehabilitation. Mutation entries have been effected in the revenue record in December 1998.

3. The learned Assistant Government Pleader submits that, the land acquired for rehabilitation is already allotted to different persons namely Sadashiv Dashava Kale, Gayabai Gorakh Giraj, so also canal is constructed.

4. It is not disputed that, the land of the petitioner from gut No. 53/2 and 53/3 is acquired to the extent of 2H 31R and 2H 02R. As far as land acquired for rehabilitation is concerned, details are given regarding allotment of land for rehabilitation purpose to various persons. It is also submitted by the acquiring body that, the canal has been constructed on the land, which is acquired for the purpose of canal. The land would be under command area.

5. Considering the above, the grievance of the petitioner cannot be entertained. The writ petition as such is disposed of. No costs.

[K. L. WADANE, J.]

[S. V. GANGAPURWALA, J.]