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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.9805/2012

Ramdas Murlidas Ramavat.

...Petitioner..

Versus

The State of Maharashtra & others.

...Respondents...

.....

Shri P.S. Agrawal, Advocate for petitioner.

Shri Y.G. Gujarathi, AGP for respondent nos.1 to 3.

.....

CORAM: R.D. DHANUKA &

SUNIL K. KOTWAL, JJ.

DATE: 09.10.2017

ORDER :

1] Heard learned counsel appearing for the parties.

2] By this petition, the petitioner seeks writ of mandamus against the respondents to acquire the land described in prayer clause [C] of the petition.

3] By an order dated 22.9.2008 passed by the learned Civil Judge, Senior Division, Hingoli, Special Civil Suit No.31/2006 filed by the petitioner has been partly decreed. By the said decree, the defendants therein, who are respondents in this petition, are directed to

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handover vacant possession of 10 R portion of the land out of Gut No.82/1 to the petitioner herein or to initiate acquisition proceedings thereof under the Land Acquisition Act within three months from the date of the said order. It is not in dispute that the defendants to the said suit have not impugned and challenged the said decree.

4] The petitioner has already filed an application for execution of the said order dated 22.9.2008. We are thus not inclined to grant any further direction to acquire the land which relief is already granted by the learned Civil Judge, Senior Division, Hingoli.

5] The execution application filed by the petitioner in the said Special Civil Suit No.31/2006 is expedited. The learned executing Court shall dispose of the said application for execution within six months from today.

6] The writ petition is disposed of in aforesaid terms. No order as to costs.

(SUNIL K. KOTWAL, J.)

(R.D. DHANUKA, J.)