

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11383 OF 2015

Prataprao Narayanrao Deshmukh	.. Petitioner
V/s	
The State of Maharashtra & Ors.	.. Respondents

Mr. S.R. Borulkar i/b Mr. Manoj Patil for the petitioner.
Mrs. M.P. Thakur, AGP for the State.
Mr. Mihir Govilkar i/b Govilkar & Associates for respondent no.5.

**CORAM: DR. MANJULA CHELLUR, CJ. &
N.M. JAMDAR, J.**

DATE : 17th JULY 2017

P.C.:

The petitioner, who claims to be one of the legal heirs of Narayanrao Krishnarao Deshmukh, is before this Court seeking compensation. The other legal heirs are Babasaheb Narayanrao Deshmukh and Bhausahab Narayanrao Deshmukh. The acquisition of property seems to have occurred somewhere in 1949-50. At the relevant point of time, looking at the age of the petitioner, he was not even major to know the facts. Even otherwise, in order to entertain a petition, one must first establish their locus standi to come before this Court. In particular, in a case where it relates to payment of compensation, the petitioner must first establish that he is the legal heir of land owner or interested person and then he must

establish that he is the only legal heir who is entitled for the property in question.

2. The petitioner has also stated that respondent nos.1 to 4 have sold the property to respondent no.5. Learned counsel for respondent no.5 submits that there was no such sale at any point of time and that respondent no.5 has nothing to do with Gat numbers referred to in the petition.

3. Under these circumstances and in the present situation wherein 1949-50 award is under challenge on the ground of non-payment of compensation, the petitioner has to establish his relationship with the owners of the land or the persons who were interested in the land at the time of losing the land through acquisition. So also, between 1949-50 to 2017, what changes have happened in the family and how many claimants were entitled for the property, are all to be analysed. In the light of such situation, we are of the opinion that the present petition cannot be entertained. However, we make it clear that we are not dismissing the petition on merits on any of the grounds raised, but we are disposing of the petition reserving liberty to the petitioner to approach proper forum and seek necessary directions in accordance with the procedure contemplated.

(N.M. JAMDAR, J.)

CHIEF JUSTICE