

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.702 OF 2016

Dr.Raghav Keshav Barve .. Petitioner
V/s
The State of Maharashtra thru
Ministry of Revenue & ors .. Respondents

...

Mr.Amit B. Borkar, Advocate for the petitioner.
Mr.P.P. Kakade, AGP for the respondent State.

**CORAM: DR. MANJULA CHELLUR, CJ. &
G.S. KULKARNI, J.**

DATED: 2nd FEBRUARY, 2017

P.C.:-

1 Heard learned counsel for the petitioner.

2 The petitioner is before us, questioning the legality and validity of impugned notification dated 22nd May 1999 by which the respondent authority notified to acquire the land in question on the ground of the said land being in excess of ceiling limit of benefited zone of Neera Devghar Project. According to the petitioner, he and his brother being co-sharers in the said property, the land would not become in excess of ceiling limit, therefore, there is no justification in the acquisition.

3 Admittedly, as on the date of above notification, the land in question was registered in the name of the father of the

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petitioner in the revenue records. If at all, there was an individual entitlement, at that point of time, the father ought to have declared before the concerned authority when notification was issued.

4 The petitioner is not before us on the ground that in spite of such objection by the father, no action was taken. On the other hand, no action by the petitioner's father was taken and now, the petitioner is before us complaining that the land is not in excess of the ceiling limit. We are in the year 2017. Petitioner whose family has lost the land much before, now cannot seek the things to be set right having slept over their rights.

5 At this point of time, we cannot intervene to annul the acquisition proceedings on the grounds now raised, which according to us, are stale.

6 Accordingly, petition is dismissed.

(G.S.KULKARNI, J)

(CHIEF JUSTICE)