

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7620 OF 2016

Sachin S/o. Dhulaji Shriram

and another

.. **Petitioners**

Versus

The State of Maharashtra and others.. **Respondents**

Mr.Dattatraya R. Jayabhar, Advocate for the
Petitioners.

Mr. S. B. Joshi, A.G.P. for Respondents.

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

DATE: 10th October, 2018

PER COURT :

1. Mr. Jayabhar, learned counsel for the petitioners submits that the land of the petitioners is not within the submergence area. In view of that, the land be restored to the petitioners as per Section 48 of the Land Acquisition Act, 1894.

2. Mr. Joshi, the learned A.G.P. submits that the possession is taken by the respondent. There is no stay to that effect.

3. In case the possession of the land has been taken by the respondent pursuant to the award or otherwise, Section 48 of the Land Acquisition Act, 1894 would not apply.

4. In the light of that, the request of the petitioners seeking directions against the respondent to decide the claim of the petitioners and restore the land under Section 48 of the Land Acquisition Act, 1894 would not be tenable. The petitioners are at liberty to take such other steps as may be permissible under the relevant provisions of the law.

5. Writ Petition, as such, is disposed of. No costs.

[S. M. GAVHANE, J.] [S. V. GANGAPURWALA, J.]

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