

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

WRIT PETITION NO. 2253 OF 2017

Dashrath S/o Janak Barate

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr.A.R.Barate, Advocate for Petitioner

Mr. S.G.Karlekar, A.G.P. for Respondent Nos. 1 to 5

Mr.D.A.Madake, Advocate for Respondent Nos. 7 and 8

.....

**CORAM : S.V.GANGAPURWALA AND
A.M.DHAVAL, JJ.**

DATE: APRIL 12, 2018

PER COURT :

1. We have heard Mr.Barate, learned advocate for the petitioner and the learned A.G.P. The petitioner is not in occupation of the land since the year 1972. Similar petitions were filed in the year 1991 wherein, this court had allowed the representations and directed the Government to initiate acquisition proceeding. The Government had approached the Apex Court. The Apex Court in case of ***the State of Maharashtra Vs. Digambar*** reported in ***1995 4 SCC 683***

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had set aside Judgment of this court and held that the directions for acquisition could not have been given after 20 years. In the present matter, more than 45 years have lapsed.

2. Considering the Judgment of the Apex Court in the case of ***State of Maharashtra Vs. Digambar***, the case of the petitioner cannot be considered.

3. Writ petition is disposed of. No costs.

(A.M. DHAVAL, J.)

(S.V.GANGAPURWALA, J.)

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