

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2578 OF 2018

WASISTA BAPURAO WEER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Ujwal Subhash Patil.
AGP for Respondents No. 1 to 3 : Mr. C. S. Kulkarni.

...

CORAM : R.M. BORDE &
K.K. SONAWANE, JJ.

DATE : 8th March, 2018.

PER COURT:-

1. The petitioner claims that his property was taken in possession illegally by the respondents in the year 1976 for the purpose of laying down a road. In the year 2000, the petitioner belatedly presented a suit being Special Civil Suit No. 13 of 2000, claiming compensation in respect of the acquired land. The suit presented by the plaintiff/petitioner was partly decreed by the trial court on 16th July, 2004.

2. It is declared that the land of the plaintiff has been acquired by the defendant Nos. 1 and 2 and that the petitioner is entitled to receive compensation and statutory benefits. It was directed to defendant Nos. 1 and 2 to pay compensation for acquired land together with statutory benefits i.e. 12% component, 30% solatium and interest @ 15% p.a. under Section 34 of the Land Acquisition Act, 1894 from the date of possession till its realization within a period of two months from the date of the judgment.

3. Although, the decree was passed in the year 2004, the petitioner did not take any steps till the year 2018. He also did not put the decree for execution within the period of limitation prescribed under the Limitation Act, 1963. The instant petition, belatedly presented by the

petitioner after a period of 42 years from the date of accrual of cause of action and 14 years from the date of decree passed by the trial court, is not entertainable in view of the judgment of the Apex Court in the matter of **State of Maharashtra vs. Digambar**, reported in **AIR 1995 SC 91**.

4. Writ Petition being devoid of any substance, stands dismissed.

[K.K.SONAWANE, J]

[R.M. BORDE, J]

grt/-