

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

WRIT PETITION NO.6627 OF 2018

Baliram Shivram Patil and ors.

..Petitioners

Versus

The State of Maharashtra, through
its Secretary, Revenue and Forest
Department, Mantralaya, Mumbai
and ors.

..Respondents

Mr Girish Nagori, Advocate for petitioners
Mr S.S. Dande, A.G.P. for respondent-State

**CORAM : R.M. BORDE AND
A.M. DHAVALA, JJ.**

DATE : 28th June 2018

PER COURT

1. The petitioners are praying for issuance of directions to respondents to delete the land from the acquisition.

2. It is not disputed that the acquisition proceedings were initiated and the award came to be passed in the year 1983. The petitioners have received the amount of compensation determined under the award. Since the amount under the award was not to the satisfaction of the petitioners, they moved reference and the matter was referred to reference Court. The reference Court also decided the reference application and directed to pay enhanced compensation to the petitioners. The petitioners also received enhanced amount of compensation in the year 1992. The State challenged the decision of the reference Court by presenting appeals to this Court, which came to be dismissed on 21.2.1992.

3. After lapse of period of about 26 years, the petitioners have approached this Court complaining that since the possession of the land has not been yet taken, the directions shall be issued to the respondents for deletion of the land from acquisition. Admittedly, no application under Section 48 of the Land Acquisition Act has been presented to the Commissioner or the State Government. In view of lapse of period of 26 years, the request made by the petitioners cannot be entertained. Apart from this, the contention of the petitioners that the possession of the land has not been yet taken also appears to be disputed question of fact. No interference is called for. Writ Petition being devoid of merits, stands rejected. No costs.

(A.M. DHAVAL, J.)

(R.M. BORDE, J.)

vvr