

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10577 OF 2012

Chhayabai Dhanraj Salve.

...Petitioner

versus

The State of Maharashtra and another.

...Respondents.

...

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

Mr. S.J.Salgare, A.G.P. for respondent no.1.

Mr. Anil S.Bajaj, Advocate, for respondent no.2.

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CORAM : SUNIL P. DESHMUKH & P.R. BORA, JJ.

Dated: February 14th, 2018

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P.C. :-

1. The petitioner purports to lay a claim to allotment of land for running some small time business like Tapari, Rickshaw, etc., pursuant to a Note, as appended to petition at Exh.B, page No.30, in respect of 58 Tapari plots which were lying vacant.

2. While it appears from the Note that it was an offer for a limited number of plots, and for limited period, an application, copy of which is appended at page No.34 (Exh.C) dated 28.12.2011, was filed by the applicant for allotment of a Tapari plot pursuant to aforesaid Note of the year 2000.

3. Respondent No.2 has filed affidavit in reply referring to that the land acquisition award in respect of the petitioner's land is passed in the year 1994 and the claims for allotment of Tapari plot had been entertained immediately as a measure to meet with the contingency of depriving the source of income. For over twenty years the petitioner had not demanded anything. Apart from that, the petitioner had been allotted 12.5 per cent of the land acquired in the shape of developed plots bearing Plot Nos. 227, 228, 229 and 230; totally admeasuring 769 square meters, along with legal representatives of one Dhanraj Salve. Plots allotted to the petitioner have been transferred by her and others.

4. In view of aforesaid undisputed position and the fact that the petition has been moved in 2012, on merits, as well as for laches, the petition is not entertained and is dismissed.

(P.R.BORA)
JUDGE

(SUNIL P. DESHMUKH)
JUDGE

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agp/