

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2787 OF 2005

Rajaram Jyoti Jadhav	...	...Petitioner
v/s.		
The State of Maharashtra & ors.		...Respondents
...		
Mr.A.L.Bhise h/f Mr.H.S.Venegavkar for the Petitioner.		
Ms.Geetanjali Shinde, AGP for the Respondents Nos.1 to 4.		
...		

**CORAM: A.A.SAYED &
K.K.SONAWANE, JJ.**

DATE: 8 OCTOBER 2018

P.C:

1. Prayer clause (b) of the Petition, which is the only substantive prayer in the Petition, reads as follows:

(b) This Honourable Court be pleased to issue the writ of mandamus or certiorari or a writ/direction/order in the nature of mandamus or certiorari u/article 226 of the Constitution of India;

(i) by quashing and setting aside the acquisition proceeding initiated by Respondents vide notice u/sec 4(1) dated 14.6.2001 of Land Acquisition Act.

2. According to the Petitioner the subject lands had already been partitioned amongst himself and his two sons by decree passed in the year 1997 upon a compromise pursis. It is the case of the Petitioner that holding of the Petitioner and his two sons were wrongly clubbed and the holding of the Petitioner was not exceeding the slab limit.

3. It is noticed that the Petition itself avers that the petitioner had earlier filed Writ Petition (St) No.9056 of 2005, which was unconditionally withdrawn. In the circumstances, we do not see how the present Writ Petition would be maintainable. Even otherwise, as rightly pointed out in the Affidavit-in-Reply that since the Notification under Section 11 of the Maharashtra Project Affected Persons Rehabilitation Act, 1986 (Act of 1986) was published on 02-07-1981 (copy whereof is annexed to the Affidavit-in-Reply) and the alleged partition is after the cut-off date i.e. 02-07-1981, the partition cannot be considered in view of the bar under Section 12 of the Act of 1986.

4. In the circumstances, the Petition is dismissed. No costs.

(K.K.SONAWANE,J.)

(A.A.SAYED,J.)