

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10037 OF 2017

Smt. Archana Prashant Deshpande  
V/S

...Petitioner

District Collector, Satara & Ors.

...Respondents

Mr. Kayaval P. Shah for the Petitioner.

Ms. Geetanjali Shinde, AGP for Respondent Nos.1 to 4/State.

**CORAM : A.A. SAYED &  
SANDEEP K. SHINDE, JJ.**

**DATE : 31 OCTOBER 2018**

**ORDER:**

1 In para 3A of the Petition, the Petitioner has averred as follows:

“3] Brief facts pertaining to the present petition are as under:

(A) Petitioner states that original owner of the said land bearing Survey No.312 was one Mr. Mahesh Ramchandra Gaikwad and he had sold the said land to Mr. Ravindra Vishnu Raut and Mrs. Monika Ravindra Raut vide sale deed dated 6/11/2012, who, in turn sold the said land to the Petitioner vide sale deed dated 29/8/2013. Petitioner states that accordingly the name of the petitioner was mutated in revenue record of the said land in 7 x 12 extract under the column “owner of the land”. Hereto annexed and marked Exhibit A collectively are copies of the 7 x 12 extract of the said land right from 2004 to 2015. Petitioner states that the Petitioner is also paying the education tax in respect of the said land. Hereto annexed and marked Exhibit-B is a copy of the receipt of the education tax dated 20/6/2017 paid by the Petitioner to the State Government.”

2 The land in question was acquired for the purpose of Kumthe Minor Irrigation Tank vide Award dated 9 June 1999 and the owner of the land Shri Mahesh Ramchandra Gaikwad has accepted the amount of Rs.94,768/- vide cheque No.655373 dated 25 June 1999 and possession of the land is taken by the Government. In view thereof, the question of applicability of section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 does not arise. The land in question vests in the State Government and the Petitioner cannot claim any right, title or interest in the said land by virtue of the alleged sale deed dated 29 August 2013.

3 The Petition is devoid of merit and is dismissed with costs quantified at Rs.10,000/- to be paid by the Petitioner to the State Government within six weeks from today. At the insistence of learned Counsel for the Petitioner, we record that though he had sought time on the ground that the Petitioner was desirous of amending the Petition, we did not entertain that request.

**(SANDEEP K. SHINDE, J.)**

**(A.A. SAYED, J.)**