IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9316 OF 2016

Aba Nana Dubbal through his
POA Mohan Aba Dubbal … Petitioner
V/s.
The State of Maharashtra & Ors. … Respondents

Mr. Dhairyasheel Sutar for the Petitioner.
Ms. Geetanjali Shinde, A.G.P. for Respondent Nos.1 to 4.

CORAM : A.A. SAYED AND
K.K. SONAWANE, JJ.

DATE : 8th OCTOBER, 2018.

P.C. :

1 The Petitioner challenges the order dated 25.06.2002 passed by the Respondent No.2 whereby the Application of the Petitioner under Section 48(1) of the Land Acquisition Act came to be rejected.

2 The Petitioner had earlier filed a Writ Petition being Writ Petition No. 2280 of 2014 which came to be disposed of as withdrawn by the order dated 11.01.2016. Though the Petitioner was granted liberty to challenge the impugned order, the issue of delay was kept open.

3 We find that the Petition suffers from gross delay and latches. The present Petition, which was filed in the year 2016, challenges the order dated 25.06.2002. Even the earlier Writ Petition was filed in the year 2014 after about 12 years, which was withdrawn and the issue of delay was kept open, as indicated above. Admittedly in the 7/12 extract the name of the Petitioner does not appear and it reflects the name of the Deputy Collector, Rehabilitation. Moreover, the land in question, as stated in the Affidavit-in-Reply, has already been allotted to project affected person.

4 For all the aforesaid reasons, this is not fit case to entertain the Petition by exercising the extraordinary writ jurisdiction of this Court.

5 The Petition is dismissed. No order as to costs.

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

Waishali Sushil Waghmare
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Date: 2018.10.10 15:22:06 +0530