

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.10180 OF 2017

...
 Mrs. Anita Rajendra Gavhane & Anr.Petitioners
 V/S
 State of Maharashtra & Ors.Respondents

...
 Mr. Drupad S. Patil for the Petitioners.
 Mr. R.S. Pawar, AGP for Respondent Nos. 1 to 3/State.
 Mr. Deendayal G. Dhamure for Respondent No.4.

...
CORAM : A.A. SAYED &
SANDEEP KASHINATH SHINDE, JJ.

DATED : 12 OCTOBER 2018**P.C.:**

The Writ Petition is filed essentially challenging the acquisition of the subject lands. The Notification under section 4 of the Land Acquisition Act, 1894 was issued in the year 1964 and the possession was taken over from the ancestors of the Petitioners in the year 1965 and compensation was received by them. The acquisition was challenged twice earlier vide Writ Petition No.3886 of 1996 and Writ Petition No.10027 of 2010. Both Writ Petitions were dismissed and the matter was even carried unsuccessfully to the Apex Court. While dismissing Writ Petition No.10027 of 2017 reference was made to Writ Petition No.3886 of 1996 and the following order was passed by this Court:

“1. It is not in dispute that the lands of the petitioner were acquired in the year 1964 and petitioner has received compensation as per the provisions of Land Acquisition Act. After 40 to 45 years the petitioner is now praying that the original lands now be restored to him, as according to him, the lands are not utilized for the public purpose and now the respondents want to auction the land to the private builders.

2. Since the lands were acquired in the year 1964 the petitioner has no right in the lands and the lands cannot be restored now. Even earlier also the petitioner has filed Writ Petition No. 3886 of 1996 for seeking appropriate writ, order or directions to quash and set aside the decision of the Government to dispose of the lands by inviting tenders and also prayed that the auction of the lands should not be held. The Division Bench of this Court by order dated 17th November, 2000 dismissed the said writ petition by holding that the submission raised under section 44A of the Land Acquisition Act is completely misconceived. It was found that the petitioner has no locus-standi to challenge the auction of the lands in question. The Division Bench ultimately rejected the said petition. SLP against the said order was also dismissed.. After the Division Bench dismissed the writ petition, the petitioner has now filed fresh petition. The petitioner has no locus-standi now to challenge the further auction. The learned Counsel for the respondents states that the petitioner has also taken part in the auction, which fact is also not disclosed by the petitioner. The petition is thoroughly misconceived, therefore, rejected.”

2. Curiously, there is no mention of the aforesaid Writ Petitions and orders passed therein in the present Writ Petition and the Writ Petition is filed after more than 5 decades challenging the acquisition yet again.

3. In the circumstances, the Writ Petition is dismissed with costs quantified at Rs.10,000/- to be paid by the Petitioners to the Respondent-State within 4 weeks from today.

(SANDEEP KASHINATH SHINDE,J.)

(A.A.SAYED, J.)