

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9527 OF 2018

Akbar Ismail Shaikh	.. Petitioner
Vs.	
State of Maharashtra and ors.	.. Respondents

Mr. Harshad M. Inamdar, for the Petitioner.
Ms. Nisha Mehra, AGP for State.

**CORAM : NARESH H. PATIL, CHIEF JUSTICE &
M.S.KARNIK, J.**

DATE : 29th NOVEMBER, 2018

P.C. :

- . Heard learned Counsel for the parties.
2. Learned Counsel for the Petitioner submits that the Petitioner entered into an agreement for sale of immovable property with the land owners Shri Shreeram Jagannath Dhamane and Shri Pravin Dagadu Nere. This document of unregistered agreement for sale was executed on 05/12/1994.
3. The land acquisition proceedings in respect of the

very same land is initiated on 24/08/2017. Consequently, award was passed. The proceedings are going on.

4. According to the learned Counsel, in the meanwhile the Petitioner filed an application before the Deputy Collector (Acquisition No.2), Nashik for treating the Petitioner as person interested in respect of the said acquisition proceedings.

5. By communication dated 05/02/2018, Deputy Collector informed the Petitioner that for the reasons recorded therein his application was not maintainable. The Deputy Collector made a Reference to Special Civil Suit No. 364 of 2017 filed by the Petitioner against the land owner Shri Dhamane. Learned Counsel for the Petitioner submits that said Suit was filed for specific performance of contract. In the said Suit, Application filed for interim relief came to be rejected. Against the said order rejecting interim relief by the trial Court, the Petitioner preferred Appeal which is pending consideration before the District Court.

6. We have perused the record placed before us. Considered the submissions advanced. We notice that the Petitioner has already resorted to the remedy of filing of Suit against the land owners – Respondents No. 2 & 3 and even against the order rejecting the Petitioner's prayer for interim relief, further proceedings by way of filing an Appeal before the District Court are initiated. In this view of the matter, in the facts of the present case, we are not inclined to interfere in the exercise of writ jurisdiction.

7. We make it clear that we have not expressed any opinion on the merits of the contentions raised in this Petition. Needless to mention that the Petitioner is at a liberty to resort to appropriate proceedings available in law to ventilate his grievance.

8. With these observations, the Petition stands disposed of.

(M.S.KARNIK, J.)

(CHIEF JUSTICE)