

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10930 OF 2017

Mr. Ramesh Radhakrishna Gaidhani ...
V/SPetitioner
State of Maharashtra & Ors.Respondents

...

Mr. Uday P. Warunjikar for Petitioner.
Mrs. M.S. Srivastava, AGP for Respondent Nos.1 and 2/State.
Ms. Neeta Karnik for Respondent No.3.
Mr. Subhash V. Gutte for Respondent No.4/Corporation.

...

**CORAM : A.A. SAYED &
K.K. SONAWANE, JJ.**
DATE : 26 SEPTEMBER 2018.

ORDER:

1 The Petitioner seeks the following reliefs:

- “a) This Honourable Court be pleased to direct the respondent herein to state on oath as to how the respondent herein are in possession, use and occupation of the property belonging to the present petitioner without acquiring the said property under the provisions of the Land Acquisition Act, 1894.
- b) In the event of their not being any material to justify use, possession and occupation of the property by the respondent, this Honourable Court be pleased to direct the respondent herein to remove themselves from the property within such period as this Honourable High

Court may deem fit and proper and restore the possession of the land within such period as the court may deem fit and proper.

- c) This Honourable Court be pleased to direct the respondent herein to pay such damages as this Honourable High Court may deem fit and proper for depriving the present petitioner from using the property belonging to the present petitioner.
- d) During the pendency of the above referred petition be pleased to restrain the respondent herein from changing the nature of the property and/or from carrying out any construction or making any alteration and changes over property.
- e) That this Honourable Court be pleased to direct the respondent to fix the responsibility on the employees of the respondent and take suitable action against such employees within such period as this Honourable Court may deem fit and proper."

2 The Petition suffers from gross delay and laches. The Petition avers in paragraph 3 that in the year 1957-58, the Health Department of the PWD was in possession of the land to a limited extent. It appears that the ancestors of the Petitioner had never made any grievance about the

acquisition of the subject land. The Petition is completely bereft of material particulars which seems to be deliberate and mischievous.

3 Learned AGP informs us that the records in respect of the subject land are not available. Inasmuch as the cause of action had arisen more than six decades ago, we are not inclined to exercise our extraordinary writ jurisdiction to entertain the Petition. The Petition is accordingly dismissed.

(K.K. SONAWANE, J.)

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(A.A. SAYED, J.)

Sudarshan
Rajalingam
Katkam

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Rajalingam Katkam
Date: 2018.10.03
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