

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
11 WRIT PETITION NO.3373 OF 2018**

ARVIND MUKUNDRAO WAYKOLE AND ANOTHER ..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...
Mr. Mohanish V. thorat and Mr. P. R. Katneshwarkar,
Advocates for the Petitioners.
Mr. S. P. Tiwari, AGP for Respondents-State.

...
**CORAM : S. V. GANGAPURWALA &
AVINASH G. GHAROTE, JJ.
DATED : 14th NOVEMBER, 2019.**

PER COURT:-

1. We have heard Mr. Katneshwarkar, learned counsel for petitioners.

2. The petitioners hold 2H 45R land in Gut No.172 at village Palodi, Tq. Kalmnuri, Dist. Hingoli. According to petitioners their 80R land is encroached by respondents without acquisition proceedings. The petitioners rely on the administrative sanction for work of Bandh.

3. On 25.07.2019 we had passed following order:

"It is argued on behalf of the petitioners that land of the petitioners is illegally acquired by the respondents. Perusing the writ petition and all the annexures thereto, there is nothing on record to show that land of the petitioners were acquired. The correspondence shown is about loss of crops/destruction of crops. No document on record even remotely suggest that land of the petitioners is taken in possession by the respondents or that holding of the petitioners has been reduced. In

absence of any such record, it will not be possible to accede to the request of the petitioners.

Learned counsel for the petitioners seeks time. Stand over to 08.08.2019.

If no such record is produced on the next date, the petitioner will be dismissed."

4. The petitioners are not in a position to produce any record or document.

5. It is admitted by learned counsel for petitioners that the 7/12 extract produced also records the holding of petitioners as 2H 45R from Gut No.172. The petitioners have also not carried out measurement of the land to suggest that holding of their land is reduced because of the construction of Bandh or otherwise.

6. In absence of any such record, it would not be possible to entertain the plea of petitioners. The petitioners are at liberty to get their land measured or to get 7/12 extract corrected commensurate to the facts as existing and then may approach the authority or this Court.

7. With these observations, writ petition is disposed of. No costs.

(AVINASH G. GHAROTE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE