

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

108 WRIT PETITION NO.6437 OF 2018

PRAKASH KASHINATH HIRE
VERSUS
THE STATE OF MAHARASHTRA THRO SECRETARY AND OTHERS

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Advocate for Petitioner : Mr. Pahune Patil Nandkishor J.

AGP for Respondents No. 1 to 3 : Mr. K.B. Jadhavar.

Advocate for Respondent No. 4 : Mr. Gaikwad Ranjit B.

**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 13/08/2019

PER COURT :

1. Mr. Pahune Patil, the learned counsel for the petitioner submits that the respondents have given assurance that they would acquire the entire house of the petitioner, however, in the sale-deed only 83.5 square meters area has been mentioned. The area of the petitioner is more than 161.75 square meters. Though the respondents have assured the petitioner, the respondents have failed to acquire the remaining portion of the house.

2. We have heard the learned A.G.P.

3. In the affidavit-in-reply, the respondents have denied of giving any assurance to petitioner. According to the respondents, the joint

measurement and also the sale-deed depict area of 83.5 square meters.

4. The acquisition is not under the statute, it is by private negotiation and by execution of the sale-deed.

5. In view of that, it will not be possible for us to entertain the disputed questions of facts. The petitioner may avail the remedy of rectification of the documents or such other remedy available under the law.

6. The writ petition is disposed of. All contentions of the parties are kept open.

(MANGESH S. PATIL, J.)

(S. V. GANGAPURWALA, J.)

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