

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8993 OF 2019

KISAN SHANKAR ADHAV AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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Advocate for Petitioners : Shri Garud N.C.
AGP for Respondents 1 & 2 : Shri Bhagat N.T.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: July 24, 2019

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PER COURT :-

1. The petitioners / plaintiffs in RCS No.43 of 2017 are aggrieved by the concurrent findings of the trial Court as well as the appellate Court refusing temporary injunction. The trial Court delivered an order on 29.3.2018, rejecting Exhibit 5. The appellate Court has delivered the impugned judgment dated 30.1.2019, by which, Misc. Civil Appeal No. 55 of 2018, filed by the petitioners, has been dismissed.

2. Contention of the plaintiffs is that they have some share in the suit property which is acquired by the MIDC for a public project. If their share is established, they would be entitled to proportionate compensation under the said acquisition. Their suit is for declaration, partition and separate possession and for seeking a share in the amount of compensation.

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2-WRIT PETITION NO.8993 OF 2019

3. The trial Court has noticed that the property has changed hands and there were registered sale deeds, which are almost 30 years old. No relief can be claimed by the plaintiffs against a 30 years' old sale deed, since the limitation would be only of 3 years. So also, there is no revenue record, as it stood on the date of acquisition, indicating any right in favour of the plaintiffs.

4. Those agriculturists who own the suit property on the date of the acquisition, have lost their agricultural lands and are awaiting disbursement of compensation. After a long drawn exercise, they were held entitled for the compensation amount. These plaintiffs, who claim to be the L.Rs. of deceased Parvatabai, are now before the trial Court, by filing the suit only after they saw the owners being entitled to large amounts of compensation owing to the acquisition.

5. In view of the above, I do not find any merit in this petition. The impugned orders cannot be termed as being perverse or erroneous. This petition is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

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