

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
111 WRIT PETITION NO.8680 OF 2018**

HIRALAL BABULAL SHAIKH AND ANOTHER ..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

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Mr. Sudheer R. Zambare, Advocate for the
Petitioners.

Mr. P. S. Patil, AGP for Respondents-State.

Mr. Shivaji T. Shelke, Advocate for Respondent
No.7.

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**CORAM : S. V. GANGAPURWALA &
ANIL S. KILOR, JJ.**

DATED : 09th SEPTEMBER, 2019.

PER COURT:-

1. The grievance of petitioners is that though the land bearing Gut No.79 admeasuring 3H 11R situated at village Ghogargaon, Tal. Shrigonda is not acquired nor any Award is passed, still the names of petitioners are deleted from the revenue record and name of the State is mutated. The learned counsel submits that in the Award passed the land of petitioners is not affected.

2. The Award appears to be in respect of Gut Nos.52 and 173 at Ghogargaon being Award dated 30.06.1978. Similarly situated persons had filed Writ Petition bearing No.11952/2015, wherein the State has filed an affidavit and in the affidavit it was affirmed by the State that only land bearing Gut No.52 admeasuring 80R and Gut No.173

admeasuring 4 H 65R are acquired for percolation tank no.2 at Ghogargaon, Tal. Shrigonda. The petitioners claim to be the owner and possessor of the land bearing Gut No.79 situated at Ghogargaon, Tal. Shrigonda.

3. In view of that, in case, no Award has been passed in respect of land of petitioners bearing Gut No.79, then the authority shall consider the application filed by petitioners for deletion of the name of the State Government. The petitioners shall appear before the concerned authority on 23.09.2019 and shall place on record the copy of the Award. The authority shall verify as to whether the land of petitioners at any point of time was acquired and the manner of introduction of the name of the State in the revenue record and if it is satisfied that the petitioners' land was never acquired nor any Award was passed and that the name of the State has appeared only pursuant to some Notification Under Section 4 or Declaration under Section 6 of the Land Acquisition Act, then the authority shall take further steps for deleting the name of the State and mutating the name of the appropriate person in the revenue record as owner of Gut no.79 at Ghogargaon, Tal. Shrigonda.

4. Writ Petition is disposed of. No costs.

(ANIL S. KILOR)
JUDGE

(S. V. GANGAPURWALA)
JUDGE