

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

WRIT PETITION STAMP NO. 34145 OF 2015

Ambadas Kashinath Muly and others	... Petitioners
Versus	
The State of Maharashtra and others	... Respondents

....

Mr. V. B. Garud, Advocate for petitioners.
Mr. S. G. Sangle, AGP for the State.

....

**CORAM : PRASANNA B. VARALE &
R. G. AVACHAT, JJ.**

DATED : 18th OCTOBER, 2019

PER COURT :-

1. Today, Civil Application No.12489/2019 and Civil Application (Stamp) No.20910/2016, are allowed and the present writ petition is restored and the same is taken up for admission / hearing with consent of the parties.
2. Certain facts are revealed in the course of perusal of the documents and hearing of the matter. The petitioners claim to be the land owners, residing in the area of district Jalgaon. The submission is, though the respondents authorities are duty bound to provide certain

amenities and also the benefits flowing from the award, which is passed on 03.04.2003 and though a representation was moved to the respondent authorities, the authorities paid no heed and the petition is filed in representative capacity with prayer clauses “A” and “B”. Prayer “A” is the basic prayer.

3. Though the grievance is reflected in the body of petition and the submission of learned counsel for petitioners looks attractive at the first blush, on perusal of the documents placed on record by the petitioners themselves, we are of the clear opinion that the petitioners have approached this Court belatedly in a most casual manner. It was submitted to this Court that the representation was in the form of the notice issued by the counsel and the copy of such notice is placed on record at Exhibit-“C”, page 40. Interestingly, the first page of the notice clearly shows insertion of number “2” after the typed portion of the date i.e. “/11/2012”. The notice is also a bundle of issues. The notice is not aimed at only the consequences being flown from acquisition of land, such as, compensation and the rehabilitation activities, but it expands the scope of the consequential benefits. Other benefits in the nature of special assistance are also claimed in the very notice, i.e. for constructing toilet blocks, etc. Further perusal of the notice shows that at the end of the notice, so far as date is concerned, the figure of day is

kept blank and it is only mentioned as “___/11/12”. After this so called notice of the year 2012, the petitioners have filed the petition in the year 2015, without there being a single word showing the reason to approach this Court after three years of issuance of notice. This petition was pending before this Court for a considerable period. The registration was refused for non removal of office objections. Thereafter, applications were filed. The applications are allowed by us. The basic fact is that there is no explanation for the delay and laches and the so called submission that the representation is submitted, is also a frivolous attempt of the petitioners. On the count that there is no representation, but hap-hazarded notice to the authorities and the petitioners approached this Court after three years without assigning any plausible explanation or any justifiable explanation for the delay, we see no reason to entertain the petition.

4. The writ petition, thus, being thoroughly meritless, deserves to be dismissed and the same is accordingly, dismissed.

[R. G. AVACHAT, J.]

[PRASANNA B. VARALE, J.]

SMS