

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2003 OF 2019

Kirtikumar Bhagwandas Shah.

..Petitioner.

V/s.

State of Maharashtra and Ors.

..Respondents.

.....

Mr. Keshav Borhade, for the petitioner.

Mr. P. P. More, AGP for the Respondent Nos.1 to 3.

CORAM : R. M. BORDE & N. J. JAMADAR, JJ.

DATE : APRIL 10, 2019

PC :

1. According to the petitioner, the land belonging to him out of survey No.53A/1/A/6 of Pen village has been taken in possession for setting up Bharat Sanchar Nigam Limited office at Pen. It is contended that though the land has been taken in possession prior to 1983, the amount of compensation has not been paid. It appears on perusal of notice issued by the petitioner on 22/10/2018 to the Collector and District Magistrate, that sum of Rs.5,000/- was

offered to the petitioner which was received by him at the relevant time under protest. However, no steps have been taken up by the petitioner. The petitioner has not explained the delay of more than 36 years occurred in approaching this court. The petitioner attributes delay to respondents and alleges non availability of relevant record in the office of Land Acquisition Officer. In view of unexplained delay and laches of more than 36 years in approaching the court, the grievance raised by the petitioner need not be entertained in exercise of extraordinary writ jurisdiction of this court under Article 226 of the Constitution of India.

The petition is devoid of substance, hence stands rejected.

(N. J. JAMADAR, J.)

(R. M. BORDE, J.)