

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

**WRIT PETITION NO. 10752 OF 2016**

Shri. Balwant Waghu Buchade

...Petitioner.

Vs.

The Collector, District Pune and ors.

...Respondents.

Mr. Rajesh Jadhav for the petitioner.

Smt. P.N. Diwan, AGP. for Respondent Nos. 1,2,4 and 5.

**CORAM : R.M.BORDE AND V.L. ACHLIYA, JJ.**

**DATE : 17<sup>th</sup> January, 2019**

**PC :**

1. The petitioner is objecting to the order passed by the Divisional Commissioner of Pune rejecting the application tendered by him for releasing the land acquired by State in observance of provisions of Land Acquisition Act, 1894, in the year 1972. According to the petitioner the possession of the subject land is still with him and the land is not required for the purpose for which the acquisition has been made. The contention of the petitioner that, the possession of the subject land has not been taken over is seriously disputed by the State. The order passed by the Additional Commissioner records a finding that, the

possession of the land has been taken over in the year 1972 and the possession receipt has also been executed by the predecessor of the petitioner. The affidavit in reply is presented by Dy. Collector (Land Acquisition) on 4.5.2018, wherein it has been reiterated that the possession of the land has been taken over by the State Government and the same has been handed over to the acquiring body on 11/7/1972 and the possession receipt as well as panchanama have been duly executed and the copies thereof are annexed to the reply at Exhibit II. The petitioner is raising disputed questions of fact after lapse of about 46-years from the date of award and therefore belated challenge raised by the petitioner need not be entertained in exercise of extraordinary jurisdiction conferred under Article 226 of the Constitution of India.

2. Petition is devoid of substance and is accordingly dismissed.

**(V.L. ACHLIYA, J.)**

**( R.M. BORDE, J.)**