

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10941 OF 2017

Sindhutai Rajaram Lingade and Ors. ... Petitioners
V/s.
The State of Maharashtra and Ors ... Respondents

Ms. Sunita Gaidhani, for the Petitioners
Mr. R.S. Pawar, AGP for the Respondent Nos. 1 and 2-State.
Mr. Shekhar Jagtap I/b. J. Shekhar & Co., for Respondent Nos. 5
and 7.

CORAM : R.M. BORDE AND V.L. ACHLIYA, JJ.
DATE : 8th FEBRUARY 2019.

P.C.:

. On perusal of the communication/letter dated 16th August, 2013 (Exhibit "R") it transpired that there is no record available in respect of the acquisition of the subject property.

2. The Petitioners also contend that the subject property has not been acquired for the public purpose by the State Government. Even otherwise, it is recorded in the affidavit that some proposal has been forwarded by the Special Land Acquisition Officer, 14, Pune together with letters dated 27th July, 2017 and 28th July, 2017 requesting the Divisional Commissioner to take decision on the proposal sent by the Special Land Acquisition officer under Section 48 of the Maharashtra Land

Acquisition Act, 1894 for dropping the land acquisition proceeding of the land in question. Since there is no award declared or that there is no record available in that regard, there shall arise no question of initiating any proceeding under Section 48 of the Land Acquisition Act, 1894.

3. If at all the State Government deems it appropriate, it is always open for the State Government to take steps in respect of the acquisition of the property as permissible in law. So far as the other claims raised in the Petition, fall within the domain of Civil Court and according to the Petitioners, a remedy approaching the Civil Court has already been availed by the Petitioners.

4. With liberty, to prosecute remedy already availed of, the Writ Petition is disposed of.

(V. L. ACHLIYA, J.)

(R. M. BORDE, J.)