

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 107 OF 2018

Bapu B. Patole ... Petitioner.
V/s.
The Special Land Acquisition
Officer -I and ors. ... Respondents.

Mr. N.P. Deshpande for the Petitioners
Mrs. Madhubala Kajale, B-Panel Counsel for Respondent Nos.1 to
5 – State.

CORAM : R.M. BORDE AND V.L. ACHLIYA, JJ.
DATE : 7th FEBRUARY 2019.

P.C.:

1] The petitioner is claiming for quashment of the award dated 1st March 1974 in respect of acquisition of the petitioner's property bearing Gat No.45-B ad-measuring 0.80 R situated at village Nanvij, Tal. Daund, District Pune. The acquisition is for resettlement of the project affected persons.

2] The award statement records the name of Babu G. Patole whose land out of 45 (Part) to the extent of .80 R has been acquired and the amount of compensation determined by the Land Acquisition Officer was Rs.3000/-. The petitioner before us

Mr. Babu B. Patole has not explained his source of title or relationship with the original owner whose name appeared in the award statement. Though it is contended that the amount of compensation has not been received by the person whose property has been acquired or that the possession has not been delivered, these facts stated in the petition are not within the personal knowledge of the petitioner.

3] In the instant matter, the acquisition proceedings were initiated in 1969 and the award was declared in the year 1974. The person whose name appeared in the award statement is no more and it would be difficult for the petitioner, who has not even stated his relationship with the original owner whose name appears in the award statement, to state as per his personal knowledge that the said person has neither received amount of compensation nor the possession of the property has been delivered. The belated petition has been presented after 45 years from the date of award. The facts stated in the petition that the possession of the property has not been delivered or the amount of compensation has not been paid, have been disputed by the State.

The mutation entires in the name of the State Government have been recorded more than 30 years back, whereas the panchanama in respect of delivery of possession has been drawn on 26th March 1974. The disputed questions raised in the petition, after lapse of about 45 years from the date of award, need not be investigated in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India. The petition is devoid of any substance and the same deserves to be dismissed and is hereby dismissed.

(V. L. ACHLIYA, J.)

(R.M.BORDE, J.)