

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

WRIT PETITION NO. 13349 OF 2018

Mr. Prakash Shankar Darekar

....Petitioner

V/S

State Of Maharashtra Thru Urban Land
Development & Ors

....Respondents

Anil V. Anturkar, Sr. Counsel a/w. A. B. Tajane for the Petitioner.

R. S. Pawar, AGP for the Respondent – State.

Mr. Vijay D. Patil for the Respondent No. 4

**CORAM : A. A. SAYED &
PRAKASH D. NAIK, JJ.**

DATED : 25th September, 2019

P.C.:

It is an admitted position that the subject land was acquired and the award was passed way back on 31st August, 1986. Hence, we are not inclined to entertain the Petition. The Petition is dismissed on the ground of delay and latches.

2. Even otherwise, in view of the judgments of the Supreme Court in (i) State of Kerala and others versus M. Bhaskaran Pillai and Another, (1997) 5 SCC 432 and (ii) Mahadeo (dead) through LRS and Others and State of Uttar Pradesh and Others, (2013) 4 SCC 524, the prayers in the Petition to set aside the award dated

31st August, 1986 and to execute the Recoveyance of the land to the Petitioner cannot be granted. So far as the grievance of the Petitioner in respect of the illegal encroachment on the subject land, it is for the concerned Authorities to take action.

(PRAKASH D. NAIK,J.)

(A.A.SAYED, J.)