

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 947/2019.

Suresh Gangadhar Dhirade and another

-VERSUS-

The Secretary, Department of Irrigation and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri A.J. Salway, Advocate for the Petitioner.
Ms. N.P. Mehta, A.G.P. for Respondent Nos.1 and 2.
Shri V.G. Palshikar, Advocate for Respondent No.3.
Shri S.A. Sahu, Advocate h/f. Shri M.I. Dhattrak, Advocate
for Respondent No.4.

CORAM : R. K. DESHPANDE
& VINAY JOSHI, JJ.

DATE : OCTOBER 04, 2019.

Heard.

2. By this petition, petitioners seek direction to respondents to return their land acquired under notification dated 14.05.1982. The award in the matter was passed on 28.03.1984, and petitioners have received compensation. No reference was filed and now, petitioners are coming before this Court alleging that the lands are not utilized for the purpose of construction of irrigation colony, for which it was

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acquired, and therefore, they are entitled to return of land. Reliance is placed upon Rule 8 of the Land Acquisition (Companies) Rules, 1963.

3. The Land Acquisition (Companies) Rules, 1963 would not be attracted in the present case for the reason that the acquisition for the project of irrigation department was under notification under Section 6, issued on 14.05.1982. After acquiring the land, the same came to be transferred to VIDC, which is not a Company registered under the Companies Act. Thereafter, the land was transferred to Municipal Council, Katol.

4. We therefore, do not find any legal right in favour of petitioners which can be enforced by filing this Writ Petition for return of land. It is for the Government/Collector, as to what is required to be done in respect of the acquired land. Writ Petition is, dismissed. No costs.

JUDGE**JUDGE**

Rgd.