

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.2775 OF 2020

Bhima Balwanta Bondre ... Petitioner

Versus

The State of Maharashtra and another ... Respondents

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Mr. A. S. More, Advocate for the petitioner

Mr. S. B. Narwade, AGP for the State

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**CORAM : S. V. GANGAPURWALA AND
R. G. AVACHAT, JJ.**

DATED : 20th JULY, 2020

PER COURT :-

. Mr. More, learned counsel for the petitioner submits that the land of the petitioner is acquired in the year 1978 and the name of the petitioner does not appear in the award. The land of the petitioner is affected in acquisition. The petitioner was residing at Beed. The petitioner is illiterate, does not have knowledge of challenging the proceeding. He gave an application in the year 2013 for remeasurement, the same is not considered. The learned counsel submits that in the case of *Vidya Devi V. State of Himachal Pradesh* reported in **2020(1) Scale 611**, it is held that delay and laches will not come in the way of the petitioner to initiate the proceeding.

2. We have heard the learned AGP

3. In the present case the award has been passed in the year 1978. The learned counsel for the petitioner also submits that the name of the petitioner does not find place in the award. The copy of the award is also not filed along with the writ petition. There is nothing on record to suggest that the land of the petitioner was acquired. In absence of any details, it would not be appropriate to issue any directions in the matter. Moreover, the land of the petitioner is alleged to have been acquired in the year 1978, the application is made by the petitioner for the first time in the year 2013, that too without details of the land acquired. It is not disputed that the compensation of the land acquired in the year 1978 is paid to the persons as per the award. There is also nothing on record to show the persons to whom the amount of compensation is paid were not entitled to the same. Remeasurement is sought by the petitioner after lapse of 35 years.

4. In the case of *Vidya Devi* referred above, the land was taken over by the State without initiating acquisition proceedings. In the present case the acquisition proceedings were initiated in 1978. The

amount of compensation has already been paid to the persons whose lands have been acquired under the award. It is not the case of non initiation of acquisition proceeding.

5. In view of above, no relief can be granted in favour of the petitioner. The writ petition is therefore disposed of. No costs.

[R. G. AVACHAT, J.]

[S. V. GANGAPURWALA, J.]

SMS