

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION
WRIT PETITION NO. 12692 OF 2019**

Shri. Krishnaji Ramchandra Ruikar (since Decd.)
Thru Lrs. & Ors.Petitioners

V/S
The State Of Maharashtra Through The
Collector, Nashik & Ors.Respondents

Vinit Ahuja i/b. Mr. Prakash Ahuja for the Petitioners
Mr. R. P. Kadam, AGP for the Respondent-State.

**CORAM : A. A. SAYED &
ANUJA PRABHUDESSAI, JJ.
DATED : 15th January, 2020**

P.C.:

The notification u/s. 4 of the Land Acquisition Act, 1894 was published in the year 1991 and award was declared on 06.08.1993. The Petitioners have preferred an application for enhanced compensation and the compensation was accordingly enhanced by the Reference Court by order dated 16.10.2007.

2. The Present Petition is filed sometime in August, 2018 seeking following reliefs:

a. This Hon'ble Court be pleased to issue a writ of mandamus of a writ in the nature of mandamus or any other appropriate writ, direction or order directing the Respondent Nos. 1 to 3 to decide the representation dated 11/10/2010 and 03/10/2018 pending in their office and forthwith release to the Present Petitioners the rental compensation at the rate of 8% p.a. on the total amount of compensation awarded by Reference Court alongwith interest at the rate of 6% per annum

on the entire amount of rental compensation from the date of possession i.e. 20/9/1985 till the realization of compensation amount.

b. Alternatively this Hon'ble Court be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, direction or order directing the Respondent No. 2 to decide the claim of the Petitioner for rental compensation and interest as per the letters Exh. V1 to V27 and as per the last reminder representation dated 03/01/2018.

c. This Hon'ble Court be pleased to issue direction/ order directing the Respondents to decide the claim of rental compensation as per the order passed by this Hon'ble Court on 29/01/2018 in Writ Petition No. 819/2016.

d. This Hon'ble Court be further pleased to issue a writ, direction or order directing the Respondents to pay compensation costs to the Petitioners or other residents of the same village.

3. We are of the view that there is inordinate delay in filing the present Petition. The order dated 29.01.2018 in Writ Petition No. 819 of 2016 relied upon by the Petitioners is an order passed on the statement being made by the Advocate for the Respondent No. 2 and cannot be relied upon for seeking any reliefs in the present Petition. The Petition is accordingly dismissed on the ground of delay and latches.

(ANUJA PRABHUDESSAI, J.)

(A. A. SAYED, J.)