

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 2694/2017

(RAVINDRAKUMAR HARIKISANJI SARDA & ANOTHER **VERSUS** STATE OF MAHARASHTRA &
OTHERS)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri N.A. Jachak, counsel for petitioners.
Shri A.M. Joshi, A.G.P. for R-1.
Shri N.P. Lambat, counsel for R-3.

CORAM : A.S. CHANDURKAR AND VINAY JOSHI, JJ.

DATE : JANUARY 21, 2020.

Heard finally with consent of learned counsel for parties.

The petitioners land owner are seeking to quash and set aside the land acquisition proceedings. However, the said relief has not been pressed. The petitioners principally seek direction against Railway Authorities for not to transfer/allot the disputed land in favour of respondent no.5 or anybody else.

The petitioner's land bearing Survey No.765 situated at Valgaon admeasuring 3.94 Hectares was acquired by Railways. The said acquisition was not timely challenged. In pursuance of acquisition proceedings, respondent-Railways has already paid the compensation to the petitioners which is not in dispute. The respondent-Railways was about to assign said piece of land to the railway employee for cultivation as per policy dated 16.07.2010.

It is brought to our notice that in order to protect the land from the encroachers, the Railways used to assign the land to its employees for cultivation on temporary basis. The petitioners claim that since they are in possession, the land cannot be assigned to the railway employee.

The learned counsel for respondent-Railways submits that the petitioners are not in possession of the disputed land. We do not wish to go into the said controversy at this juncture.

Infact, admittedly, the land acquisition proceedings are complete. Compensation has been paid to the petitioners. Therefore, the petitioners do not have any right at all.

At this juncture, learned counsel for the petitioners submitted that there are standing crops on the land in question.

Having regard to the said submission, the respondent-Railways are directed to assign the land to their employee as per policy by the end of April-2020. The writ petition being devoid of merit is disposed of in aforesaid terms. No costs.

(VINAY JOSHI, J.)

(A.S. CHANDURKAR, J.)

APTE