

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

Writ Petition No.8489 of 2019

**Sakharam Yerke & Others Vs. State of Maharashtra through its Secretary Forest
& Revenue Department and others**

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

Court's or Judge's orders

Mr. Ajay Shende, Advocate for the petitioners
Mr. Nikhil Joshi, AGP for the respondents No.1 to 3.

CORAM : MANISH PITALE, J.

DATED : FEBRUARY 04, 2020

By this writ petition, the petitioners are seeking a direction for quashing and setting aside registered sale deed dated 29/01/2007. It is their contention that when acquisition of the land was sought to be undertaken by the respondent – State and the land acquisition proceedings were initiated, their predecessor Sakharam Yerke had entered into a registered sale deed whereby land was sold to the Government upon payment of consideration.

2. It is their contention that the consideration for the said registered sale deed was far lower than the prevailing rate of land at the relevant time. On this basis, it was contended that the sale deed deserves to be set aside and direction needs to be given to the concerned authorities to accept the claim of enhancement of compensation under Sections 18 or 28

of the Land Acquisition Act, 1894. A further direction is sought that the compensation be enhanced to Rs.45,00,000/- per hectare.

3. It is an admitted position that said Sakharam Yerke during his life time never challenged aforesaid sale deed dated 29/01/2007. There is nothing on record to show that the said Sakharam Yerke initiated any proceeding for grant of enhanced compensation on the ground that the consideration amount in the said registered sale deed dated 29/01/2007, was lower than the prevailing market rate. In these circumstances, after the death of Sakharam Yerke and after the passage of time of about 12 years from execution of the registered sale deed 29/01/2007, the petitioners cannot be heard to say that they are entitled to maintain this writ petition to claim the reliefs as prayed in the writ petition.

4. Therefore, this Court refuses to entertain the present writ petition, as the nature of reliefs sought cannot be granted in writ jurisdiction. At the same time, if the petitioners have any grievance they may institute appropriate proceedings before the concerned Court / Authority, which shall then be considered in accordance with law.

JUDGE