

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

WRIT PETITION NO. 7120 OF 2019
WITH
CIVIL APPLICATION NO. 4252 OF 2019

FULCHAND DAGADU RATHOD AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicants : Mr. D.P. Palodkar h/f. Mr. C.S. Deshmukh
AGP for Respondents 1 & 4 : Mrs. M.A. Deshpande
Advocate for Respondents 2 & 3 : Mr. A.V. Indrale Patil
Advocate for Respondent 5 : Mr. K.J. Suryawanshi

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**CORAM : S.V. GANGAPURWALA &
R.N. LADDHA, JJ.**

DATED : 12/10/2021.

PER COURT :

. The learned counsel for petitioners submits that, the land of the petitioners is affected in the acquisition. This Court directed remeasurement.

2. Mr. Patil, the learned advocate for the respondents submits that, the land of the petitioners is not affected by the acquisition.

3. If there is some dispute about measurement and area

under acquisition, it is for the competent authority to consider the same. Remeasurement has been carried out. If land of the petitioners is said to be affected, naturally, the land under the sale deeds shall stand reduced. In the writ jurisdiction under Article 226 of the Constitution of India, this Court would not embark upon the investigation of the title of the executants and possession.

4. The petitioners may approach the competent authority and point out to the competent authority all the facts subsequent to the sale deeds. The competent authority may consider the same. However, the competent authority shall not take decision without issuing notice to all the affected parties, such as executants of the sale deeds.

5. The respondents will have every right to put forth their stand before the competent authority including power and authority of competent authority. The competent authority shall consider the application of the petitioners on its own merits, in accordance with law and policy and take decision as may be permissible under the law, expeditiously and preferably within a period of four (04) months from the date of application. It is made clear that, we have not considered the matter on merits.

6. It is further clarified that the competent authority would not be competent to take decision with regard to the title of the parties.

7. In the light of the above, the writ petition is disposed of.
No costs.

8. Pending civil application, if any shall stand disposed of.

[R.N. LADDHA, J.]

[S.V. GANGAPURWALA, J.]

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