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

935 WRIT PETITION NO.599 OF 2018

**VIJAYKUMAR ANANDRAO KADAM
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Smt. V. N. Patil Jadhav, A.G.P. for respondent Nos.1 & 2;
Mr S. G. Sangle, Advocate for respondent No.3

**CORAM : RAVINDRA V. GHUGE
AND
S. G. MEHARE, JJ.**

DATE : 6th October, 2021

PER COURT:

1. Even at the second call, none appears for the petitioner.
2. The petitioner has put forth prayer clauses (C) and (D),
which read as under :

“C. The respondents may kindly be directed to decide the representations dated 08/12/2016, 21/12/2016 and 13/01/2017, made by the petitioner within stipulated period of three months.

D. The respondents may kindly be directed to pay the amount of valuation of fruit bearing trees on acquired land of the petitioner i.e. gut no. 48 admeasuring 2H 62R, situated at Wayphani, Tq. Mahur, Dist. Nanded, after

(2)

deducting the amount already received by the petitioner towards the valuation of his land.”

3. If is further informed that the petitioner had earlier approached this Court in Writ Petition No.9832/2012 and the said petition was disposed off without causing any interference in the impugned cause of action. The option of availing of an alternate remedy prescribed in law, was granted to him. The petition, therefore, was disposed off as withdrawn.

4. The representations mentioned in prayer clause (B) and (C) have been filed by the petitioner after this Court passed the order on 28/07/2016, in Writ Petition No.9832/2012, disposing off the said petition as withdrawn, in view of an alternate remedy available. We are of the view that the alternate remedy that was available to the petitioner was not in the form of filing representations.

5. We are informed that none of the representations of the petitioner are pending.

(3)

6. In view of the above, this petition cannot be entertained. Yet, we have given a glance to the sale deed signed by the petitioner with the competent authority by way of a direct purchase. The sale deed dated 05/06/2010 indicates the satisfaction of the petitioner and further indicates that he was precluded from raising any claim before any authority with regard to the land acquired for a public project.

7. In view of the above, we do not find any reason to entertain this petition. The same is, therefore, dismissed.

8. We could have imposed heavy costs on the petitioner for having approached this Court despite the earlier orders of this Court in an earlier petition filed by him. Since he is an agriculturist, that we have refrained from imposing costs.

9. After the daily board was over, the learned Advocate for the petitioner Shri. Kadam appeared and mentioned this matter which was already dismissed. He submitted on instructions, that the petitioner desires to withdraw the petition.

(4)

10. Since we have already granted liberty to the petitioner to avail of an alternate remedy, this petition shall be deemed to be disposed off, as withdrawn.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

sjk