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

**53 Writ Petition No.9568 Of 2021**

Gangadhar Laxman Jadhav .. Petitioner

Versus

The State of Maharashtra and Others .. Respondents

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Mr Amol G Vasmatkar, Advocate for the Petitioner  
Mr S.P. Tiwari, AGP for the Respondents – State  
Mr Sanket S. Kulkarni, Advocate h/f. Mr G.R. Ingole,  
Advocate for Respondent Nos.4 & 5

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

**DATE : 30-08-2021**

**PER COURT : -**

1. Mr Vasmatkar, learned Counsel for the petitioner submits that land of the petitioner bearing Gut No.98 was acquired by the respondents for the purpose of rehabilitation. No compensation amount has been paid. No acquisition proceedings are initiated till date. The respondents be directed to initiate acquisition proceedings.

2. The learned Counsel for the petitioner relies on the following Judgments :

(i) **Indore Development Authority Vs. Manoharlal and Ors, AIR**

**2020 SC 1496**

**(ii) Vidya Devi Vs The State of Himachal Pradesh and Ors, AIR  
2020 SC 4709**

3. Mr Kulkarni, learned Counsel for respondent nos.4 and 5 submits that the father of the petitioner had consented to give the land for the purpose of rehabilitation. The consent letter of the father of the petitioner is on record. The learned Counsel submits that at the relevant time the father of the petitioner was paid the compensation amount. The proceedings were under the erstwhile Bombay Land Requisition Act, 1948 (now, Maharashtra Land Requisition Act) and if the petitioner has a grievance with regard to the adequacy of compensation, the remedy is available under the said Act.

4. The learned AGP waives notice for Respondent Nos.1 to 3.

5. It appears that the land claimed by the petitioner is taken in possession by the respondents with the consent of the father of the petitioner in the year 1986. The proceedings were initiated purportedly under Section 5 of the Bombay Land Requisition Act, 1948. The notice was issued to the interested persons declaring that the said land was not used for residential purpose and got it served

on the concerned persons. The land was required urgently for rehabilitation purpose of village Mashti.

6. The father of the petitioner on 03-08-1986 gave consent for taking his land by the Government and also agreed that he is agreeable for the compensation that would be paid to him. The compensation amount was paid to the father of the petitioner for land Gut No.98. The document to that effect is also placed on record.

7. In case, the persons, whose lands are taken in possession, are disputing the adequacy of the compensation amount, then the remedy is provided under the Maharashtra Land Requisition Act. It was for the father of the petitioner to avail the remedy if he was not satisfied with the quantum of the compensation amount. The learned Counsel for the petitioner submits that the father of the petitioner died approximately in the year 2000-01. The father of the petitioner it appears was not aggrieved with the adequacy of the compensation amount. It also transpires from the documents on record that almost 25 plots were allotted to the different persons.

8. In light of the aforesaid, we are not inclined to entertain the

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present writ petition. The Writ Petition is accordingly disposed of.  
No costs.

9. In case, there is any other remedy available in accordance with law, then there would be no impediment for the parties to take up the proceedings. All contentions of the respective parties are kept open.

[ R.N. LADDHA ]  
JUDGE

[ S. V. GANGAPURWALA ]  
JUDGE

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