

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

1002 WRIT PETITION NO.526 OF 2020

**VIVEK VINAYAKRAO GHARE & OTHERS
VERSUS
THE STATE OF MAHARASHTRA & OTHERS**

...

Advocate for the petitioners : Mr.P.R.Katneshwarkar
h/f. Mr.D.M.Kakade

Addl.G.P. for Respondent-State : Mr.S.B.Yawalkar
Advocate for Respondent no.5 : Mr.Ruturaj Patil

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**CORAM : S.V.GANGAPURWALA &
S.G.DIGE, JJ.**

DATE : 11.01.2022

P.C. :

1] Mr.Katneshwarkar, learned counsel for the petitioners submits that the land of the petitioners was being acquired by respondent no.2. Notification under Section 4 was issued in the year 2005. Further, notification under Section 9 was also issued in the year 2006, but the award was not passed. Learned counsel further submits that though the respondents had acquired the land, there was no record in respect of taking possession of the lands of the petitioners.

2] Mr.Ruturaj Patil, learned counsel for the respondent no.2 i.e. acquiring body submits that respondent no.2 does not require land of the petitioners. Earlier

notification has lapsed. Today, there is no proposal for acquisition of the petitioners' land. Learned counsel further submits that as and when respondent no.2 would require the land of the petitioners, the respondents would follow the process of law.

3] There is no proof that writ land of the petitioners was taken in possession by the respondents. The petitioners would be deemed to be in possession of the writ land. As there are no acquisition proceedings and earlier notification stands lapsed, there would not be any impediment for the petitioners to exercise their rights over the writ land as lawful owners.

4] Writ Petition is disposed of. No costs.

[S.G.DIGE, J.]

[S.V.GANGAPURWALA, J.]

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