

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

946 WRIT PETITION NO.2563 OF 2020

NITIN SHANTARAM PATIL

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner: Mr. Patil Vinod Prakash

AGP for Respondents: Mr. S. K. Tambe

...

AND

...

946 WRIT PETITION NO.2557 OF 2020

RAMBHAU RAMAN PATIL AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner: Mr. Patil Vinod Prakash

AGP for Respondents: Mr. S. K. Tambe

...

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

DATE: 09th MARCH, 2022

PER COURT:

1. The learned Advocate for the Petitioners and the learned A.G.P. are at *ad-idem* that the Petitioners are similarly situated and the similar orders are assailed refusing permission for sale as in Writ Petition No.572 of 2020 disposed of under order dated 08.10.2021 by the Co-ordinate Bench.

2. In light of the above and for the reasons recorded therein we pass the similar order.

3. The learned Advocate for the Petitioners submits on specific instructions from his clients as under:-

[a] The agreements to sell are dated 21.02.2019 with regard to land Gut Nos.213 and 214.

[b] After the agreement to sell has been signed between the parties, they are unable to formalize the sale due to the impugned orders.

[c] The land owners undertake not to interfere with the acquisition process since they would be relinquishing their right, title and interest on the portion of the lands agreed to be sold.

[d] The purchasers would alone be entitled to receive the benefits of the acquisition process and the sellers would not claim a single rupee of compensation.

[e] All the petitioners as well as all sellers and purchasers connected with these 2 parcels of land, would not cite these sale agreements as sale instances in the acquisition proceedings and no benefit would be derived on the basis of such sale instances.

[f] The petitioners as well as the purchasers are tendering their individual affidavits in these respective cases thereby binding themselves to the above statements made.

4. In each of these 2 petitions, the sellers as well as the buyers / purchasers are producing their individual affidavits setting forth 5 conditions which will bind them as under :-

[a] In WP No.2563/2020, such original undertakings / affidavits (5 pages) are placed on record, which are collectively marked as X-1 for identification.

[b] In WP No.2557/2020, such original undertakings / affidavits (8 pages) are placed on record which are collectively marked as X-2 for identification.

5. In view of the above, these petitions are partly allowed. The impugned orders set out in prayer clause "B" in each of these petitions, are quashed and set aside.

6. It is hereby directed that

(a) all the owners and purchasers in relation to lands Gat No.213 and 214 shall be bound to their statements made before the Court and the conditions set out in their affidavits at X-1 and X-2.

(b) Under no circumstances, would any of these persons resile from their statements made and take a contrary stand.

(c) In the event, they do so, such conduct shall be treated as a fraud played on the Court and in which case, this Court would

initiate appropriate action, if it is brought to the notice of this Court.

(d) The 5 conditions set out in these affidavits would be inserted in the sale deeds as well as in the formal orders that would be passed by the revenue authorities granting permission to sell.

7. The Writ Petitions accordingly stand disposed of. No costs.

[S. G. DIGE, J.]

[S. V. GANGAPURWALA, J.]

marathe