

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5265 OF 2021

Ankush Rama Kokane & others

Petitioners

Versus

The State of Maharashtra & others

Respondents

Mr. A. D. Sonkawade, Advocate for the petitioners.

Mr. S. G. Sangle, AGP for respondents No. 1 to 3.

Mr. M. M. Navandar, Advocate for respondent No. 4.

**CORAM : RAVINDRA V. GHUGE &
S. G. DIGE, JJ.**

DATE : 22nd APRIL, 2022.

PER COURT :

1. On 18th April, 2022, we had passed the following order :-

“1. The Agricultural University is only required to make a statement as to whether 30 R. land out of 2 Hector 30 R. acquired decades above, is in the possession of the University or not.

2. The learned Advocate for the University submits that he would take instructions and if required file a short affidavit.

3. Stand over to 22nd April, 2022, for passing orders.”

2. The learned Advocate for the University has filed an affidavit-in-reply and it is specifically contended that the Agricultural University has not taken possession of 30 R land bearing Survey No. 22/3 situated at Maharana Pratap Nagar.

3. The learned Advocate for the petitioners submits that the said land is not in his possession. 30 R land is still in the possession of the College of Agriculture. The learned Advocate for the College submits that as the College suffers from paucity of funds, it is decided not to acquire that 30 R land.

4. The controversy before us, therefore, is that, on the one hand, the petitioners claim that 30 R land out of 2 H and 30 R, is in the possession of the College. The acquiring body, on the other hand, insists that only 2 H land was acquired and 30 R land at issue is not with the College.

5. The learned Advocate for the petitioners submits on instructions that the petitioners pray that the acquired land may be measured and if 30 R land is found to be in the possession of the College, the same shall be handed over to the petitioners. The

petitioners are willing to pay the necessary revenue fees for seeking measurement of the said land.

6. In view of the above, this petition is disposed off with a direction that the petitioners shall deposit the requisite fees for measurement of the land Survey No. 22/3, with the Competent Authority, on or before 31st May, 2022. The Competent Authority shall issue notices to the petitioners as well as the College and the measurement will be carried out in the presence of all the parties as per the schedule mentioned in the notice.

7. It is made clear that if it is finally noticed that 30 R land of the petitioners is in the possession of the College of Agriculture, the petitioners would be at liberty to take recourse to a remedy as may be permissible in law for the redressal of their grievance and in the light of the law laid down by the Honourable Supreme Court in the case of Indore Development Authority vs. Manoharlal and others, **(2020) 8 SCC 129**.

(S. G. DIGE)
Judge

dyb

(RAVINDRA V. GHUGE)
Judge