

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

906 WRIT PETITION NO. 1500 OF 2021

**YESHVANT GANPATI SAPKAL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioners : Mr. Sonaji K. Adkine
AGP for Respondents: Ms. R.P. Gaur
...

**CORAM : SMT. SADHANA S. JADHAV &
S.G.DIGE, JJ.**

DATE : 15.03.2022

P.C. :

1. This is subsequent petition by the petitioners seeking return of the land, which was acquired by the Government. Earlier the land was acquired for research and the possession of the land was handed over to Poorna Jaikwadi Project Aurangabad for trial-cum-demonstration farm. Initially, it was reserved for the drainage scheme. The petitioners have received the compensation.

2. The petitioners had filed writ petition No. 3415 of 1997 seeking directions that the land be handed over to the petitioners as it was not used for the purpose for which it was acquired. The said petition was withdrawn on 14th February, 2003.

3. The petitioners once again approached this Court seeking same relief by filing writ petition No. 2862 of 2012 and have alleged that there is encroachment on the said land. Since it is not being used by the Maharashtra Agricultural Marketing Board to which it was handed over subsequently. The said petition was disposed of without any directions. It is the contention of the learned counsel for the petitioners that the land is lying vacant. It is not being used for any purpose. The petitioners have also received the certificates as landless and small holders.

4. It is the contention of the petitioners that since the land is not being used despite there being acquisition proceeding and the land is handed over to the Government, the same be restored to the petitioners. On two previous occasions the same relief was claimed, however, there had been no orders by this Court.

5. There cannot be a change in circumstance, hence, the petition seeking the same relief on third occasion stands disposed of as not maintainable.

6. The writ petition is disposed of.

[S.G.DIGE, J.]

[SMT. SADHANA S. JADHAV, J.]