

(1)

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

928 WRIT PETITION NO.5422 OF 2022

ARVIND VISHWANATH GURAV
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

....

Mr V. V. Ingale, Advocate for petitioner;
Mr A. R. Kale, A.G.P. for respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
ANIL L. PANSARE, JJ.**

DATE : 14th June, 2022

PER COURT:

1. The petitioner has put forth prayer clauses (B) and (C),
which read as under :-

“B) By issuing appropriate writ, order or directions to Respondents to drop the land Acquisition proceeding to the extent of plot No. 5 & 6 out of Gat No.72/B/1 situated at village Makni, Tq. Lohara Dist Osmanabad in view of the Award U/s 11 of the Land Acquisition Act for rehabilitation of village Makini as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

C) By issuing appropriate writ, order or directions, to Respondents to decide the representation dated 28.08.2021 as expeditiously as possible.”

(2)

2. The Hon'ble Apex Court has recently concluded in its order dated 10/06/2022, delivered in Petition(s) for Special Leave to Appeal (C) No(s).10490/2022 (Jai Prakash Vs. State of Uttar Pradesh & Ors.) that, once the procedure for acquisition is followed in accordance with the provisions of law, any sale of such land or retaining possession of such land, would render the purchaser or the original landlord, to be an encroacher.

3. We have perused the representation submitted by the petitioner, dated 26/08/2021, addressed to the District Collector, Osmanabad, where it is clearly admitted that the land at issue was acquired. The father of the petitioner had received entire compensation amount. Now, that the father of the petitioner has passed away, the petitioner, who is a 70 years old man, is before this Court, stating that he is willing to return the amount of compensation, with interest, as his father had mistakenly accepted it in 1998.

4. We find that the plea put forth by the petitioner does not appear to be truthful. He, however, prays that this Court may only direct the District Collector to decide the representation dated 26/08/2021.

(3)

5. In view of the above, this petition is disposed off.
6. The District Collector would consider the representation dated 26/08/2021, provided there is any such scheme or policy or statutory provision to accept the refund of compensation amount with interest and then return of land.
7. We make it clear that, such consideration of the representation would not create a cause of action for the petitioner.

(ANIL L. PANSARE, J.)**(RAVINDRA V. GHUGE, J.)**

sjk