

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

WRIT PETITION NO. 7150 OF 2022

Babasaheb Baban Tarde

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. Jeevan R. Patil, Advocate h/f Mr. D. N. Gilche, Advocate for the
Petitioner.

Mr. S. B. Yawalkar, AGP for Respondents-State.

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

DATED : 13th JULY, 2022.

PER COURT:-

1. The petitioner is an in service Army man. He has specifically pleaded in the petition that the writ land Survey No. 193 admeasuring 98 R was acquired by the respondent authorities for construction of Bhojapur Chari. The acquisition proceedings were commenced and an award was delivered on 28.11.1984 by the competent authority under Section 11 of the Land Acquisition Act, 1894 (hereinafter referred to as 'said Act').

2. The petitioner has further averred that the competent authority paid the compensation amount to the predecessor in title. He has also

averred that the erstwhile title holder has withdrawn the entire compensation amount and the revenue entries over the land have already been altered to indicate the Government as being the title holder. The erstwhile owner of the land did not opt for initiating enhancement proceedings under the said Act.

3. The grievance of the petitioner is that he has purchased the land from the erstwhile title holder namely Tarachand Vitthal Gorde by registered sale deed bearing Day Book No. 178/2021 dated 11.01.2021. After the purchase, the petitioner came to know that the land vests in the Government. The petitioner now contends that the land which was acquired for a particular project, is lying idle and the project has not been completed.

4. The learned A.G.P. places reliance upon the judgment delivered by the Hon'ble Supreme Court in the case of V. Chandrasekaran and another Vs. Administrative Officer and others reported in (2012) 12 SCC 133. He points out that the Hon'ble Court has concluded that in cases of reconveyance of acquired lands, the appellants purchasing the land at issue, subsequent to the acquisition proceedings despite the predecessor in title accepting the entire compensation amount and handing over the possession to the State authorities, is a fraud. Such purchases and such activities on the part of the purchasers result in a

fraud on the authorities and the Courts, resulting in abuse of the judicial process. The appeals were dismissed by the Hon'ble Supreme Court by imposing exemplary costs of Rs. 25,00,000/- (Rs. Twenty Five Lakhs).

5. In view of the above, we do not find that this could be a fit case for causing interference in the matter. We are inclined to impose heavy cost on the petitioner. However, the learned advocate for the petitioner prays that minimum cost may be imposed and the petitioner volunteers to deposit Rs. 5000/- (Rs. Five Thousand only).

6. As such, this petition is dismissed. The petitioner shall deposit the cost amount of Rs. 5000/- (Rs. Five Thousand only) with the Advocates Library within 30 days from today.

7. Needless to state, the petitioner is at liberty to seek a remedy as may be permissible in law as against the so called land owner who has sold his land to the petitioner in the year 2021.

(ANIL L. PANSARE)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE

PS.B.