

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8495 OF 2022

PRALHAD MADHAV SURYAWANSHI
VERSUS
STATE OF MAHARASHTRA THROUGH COLLECTOR AND ANOTHER

Mr.K.D.Khade h/f Mr.G.L.Deshpande, Advocate for the petitioner.
Mr.S.K.Tambe, AGP for State.

(CORAM : RAVINDRA V. GHUGE AND
ARUN R. PEDNEKER, JJ.)

DATE : AUGUST 22, 2022

PER COURT :

1. The petitioner has put forth prayer clause
B, C and D as under :-

"B. The respondent may kindly be directed to deposit the amount of compensation, Recovery Warrant of which is issued in Special Darkhast No.165/2019 on 02/09/2021 by Ld.Civil Judge, Senior Division Ahmedpur for Rs.6,07,853.95/- to satisfy the decree.

C. The respondent may kindly directed to restored the ownership and possession of the acquired land.

D. It be directed to put the charge of the petitioner to the extent of amount of award on the revenue entries of the acquired land."

2. There is no dispute that the said Dkt.No.165/2019, which is

hardly 3 years old, is being conducted by the learned Civil Judge, Sr.Division, Ahemadpur.

3. When a statutory remedy has been availed of, filing a writ petition for seeking Writ of Mandamus to the learned Judge to decide the execution proceedings, out of turn and also pass orders to recover the amounts payable, is nothing, but, an abuse of the process of Law. Even prior to filing this petition, though the execution proceedings were filed, the present petitioner was before this Court in WP No.1447/2022, which was disposed off by order dated 01.02.2022.

4. In view of the above, this petition is disposed off. Needless to state, the Executing Court would deal with the execution proceedings considering the date of filing of the said proceedings.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)