

(1)

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

WRIT PETITION NO.2590 OF 2022

**KIRAN SHAMRAO GANGARE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Mr B. V. Dhage, Advocate for petitioners;

Mr S. K. Tambe, A.G.P. for respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
SANJAY A. DESHMUKH, JJ.**

DATE : 17th November, 2022

PER COURT:

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

“B] Their lordship be pleased to issue the writ of mandamus or any other appropriate writ, order or direction in the nature of mandamus directing to the respondents No. 1 to 3 to make available and to produce the record in respect of lands bearing S. No. 1/4, 5/1/1, 5/1/2-A, 5/1/3 and 5/2/2 of Kisharsingpura, Aurangabad acquired by the ascertain to Government and to whom the compensation is paid.

OR

If the above land is purchased by the Government, the copy of Sale-Deed be made available to ascertain the fact of vendor of the Sale-Deed in respect of S. No. 1 and 5 Kesharsingpura, Aurangabad.

(2)

C] Their Lordship be pleased to issue the writ of mandamus or any other appropriate writ, order direction in the nature of mandamus directing the respondent no. 1 to 3 to pay the compensation of acquired land bearing 1/4, 5/1/1, 5/1/2-A, 5/1/3, 5/2/2, Kesharsingpura, Aurangabad if it is not paid to the petitioners family i.e. as per the Genealogy of family of petitioner.”

2. The petitioners claim to be the great grandsons of a purported owner of the writ land. On specific instructions, the petitioners contend that, their great grandfather lost possession of the writ land 80 years ago. No steps were taken by the great grandfather or successors in title to regain the said possession. No suit was filed before any Civil Court. The petitioners are unaware about the use of the land. The petitioners do not know whether they were cultivating any crops. They do not know whether taxes were paid. They cannot say that 7/12 extract contains the names of the title holders or the cultivators. Reference is made to one Pratik Book, which is said to be of the year 1920, containing the name of their great grandfather. It is contended that the District Court, the land on which the bungalow of the Range I.G., the Sessions Courts, the residential colony known as ‘Manisha Colony’ behind Sessions Court, are all located on the land belonging to the great grandfather of the petitioners.

(3)

3. We do not wish to exercise our writ jurisdiction in the light of such disputed, vague and ambiguous contentions.

4. The petitioners pray for production of certain documents. We do not wish to enter into a roving enquiry in this petition. If the petitioners have any right to seek documents under the Right to Information Act, 2005, they are at liberty.

5. In view of the above, this petition is dismissed.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)

sjk