

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

939 WRIT PETITION NO.65 OF 2022

Ranjana Baliram Bilolikar
Age 59 years, Occ. Agriculture,
R/o. Plot No. 37/B, Gat No. 90/2,
Satara Parisar, Aurangabad
Tq. & Dist. Aurangabad

... **Petitioners**

VERSUS

- 1) The Regional Officer,
Maharashtra Industrial Development
Corporation, MIDC Office Aurangabad
Tq. & Dist. Aurangabad.
- 2) The District Collector,
Collector Office, Aurangabad.
- 3) The Sub Divisional Officer,
/Land Acquisition Officer, Paithan
Phulambri, Mukundwadi,
Aurangabad, Dist. Aurangabad.

... **Respondents.**

...

Advocate for Petitioner : Mr. Dhananjay Mane h/f Mr. Pingale Durgesh
Madhukar

Advocate for Respondent No. 1 : Mr. S. S. Dande
A.G.P. for Respondent Nos. 2 & 3 : Mrs. V. N. Patil-Jadhav

CORAM : **MANGESH S. PATIL &
Y. G. KHOBRAGADE, JJ.**

DATE : **22.11.2022.**

PER COURT :

We have heard both the sides.

2. The petitioner is aggrieved by the fact that in spite of passing of a consent award regarding acquisition of his property, the compensation in respect of couple of almond trees and four sandalwood trees was not assessed and paid.

3. The learned advocate for the petitioner submits that since inception she has been objecting to such non payment of compensation in respect of

those six trees. Time and again, she had made representations. There is no dispute about existence of the trees which have been shown in the joint measurement report as well as can be found being referred to in the award. He submits that the respondents ought to have considered her request. It was an error to omit valuation of such trees. The petitioner's valuable right would be lost if she is not paid the compensation.

4. The learned A.G.P submits that it was a consent award and instead of resorting to the appropriate remedy, as is available to the petitioner in law, she has slept over her right for years together and has woken up after a long slumber.

5. True it is that the reference to the almond and sandalwood trees can be found in the joint measurement report. It is also apparent that those have been indicated even in the award but have not been valued. However, it is to be borne in mind that it was a consent award passed in the year 2015. The petitioner must have been aware since inception about non payment of compensation in respect of those trees still has not taken any steps including the step to take recourse to the appropriate forum challenging that award. For that matter, even she does not seem to have accepted the compensation by lodging some protest. She has filed her petition in the year 2022. Even while issuing notice it was indicated that the Court would consider the aspect of maintainability of the petition.

6. Going by the facts and circumstances discussed herein above, when the petitioner has approached this Court after a long slumber having slept over her rights apart from the other attending circumstances discussed herein above, the petition is not maintainable and is dismissed.

(Y. G. KHOBRADE, J.)

(MANGESH S. PATIL, J.)

mkd/-