

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.10755 OF 2014

Shivnarayan Tulshiram Patil

...Petitioner

Vs.

The State of Maharashtra & Ors.

...Respondents

Mr. Rajaram V. Bansode for the Petitioner.

Mr. V. S. Gokhale 'B' Panel Counsel for Respondent No.-1 -State.

**CORAM : NITIN JAMDAR &
SHARMILA U. DESHMUKH, JJ.**

DATED : 16 SEPTEMBER 2022.

P. C. :

Heard learned counsel for the parties.

2. The Petitioner has prayed that the Respondent-Authority be directed to execute an agreement in favour of the Petitioner for Plot No.45 ad-measuring about 130 square meters situated at village-Vashi, Sector-31, Navi Mumbai and hand over the plot removing the encroachment. It is also prayed in the alternative that an agreement be executed in respect of another plot i.e. Plot No.27. The Petition is filed

on 4/2/2014.

3. According to the petitioner the right accrued to the Petitioner to get an agreement executed in the year 1986. In the Petition, the Petitioner has stated that the Petitioner paid requisite charges in the year 1987. It is thereafter stated that some persons have encroached upon the property. There is reference to the representations made in the years 2004, 2005 and 2007. However, there is no cogent explanation, apart from the fact that mere representations will not be a justification for delay and laches. for the period from 1986 to 2004. It is after almost four decades that the Petitioner is now seeking a writ that a particular plot be handed over to the Petitioner. In the writ jurisdiction, we cannot be unmindful of the position of law that by gross delay and laches rights can be forfeited.

4. It is contention of the Petitioner that even as of today the plot is not assigned to any party. However, that by itself cannot be a ground to issue a writ. In these circumstances, the only order that we pass is that the Petition, as a representation, be placed before the concerned authorities to find out if any relief can be given to the Petitioner. The concerned authority will make an endeavour to examine the case within a period of two months from today, subject to the workload, earlier time bound commitments and pressing public duties.

We make it clear that the decision be taken solely on merits and as per law and the directions to look into the grievance will not be considered as starting a fresh cause of action.

5. The Writ Petition is disposed of.

(SHARMILA U. DESHMUKH, J.)

(NITIN JAMDAR, J.)