

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10468 OF 2022

Sarfuddin Abubakar Ismail Contractor

Through Power of Attorney Holder

Mr.Kaushik Madhubhai Kothiya

.. Petitioner

Versus

The State of Maharashtra

Through the Principal Secretary,

Ministry of Revenue and Ors.

.. Respondent

.....

Mr.Vivek M. Punjabi, Advocate for the Petitioner.

Ms.R.M. Shinde, AGP for the Respondent – State.

.....

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

DATED : 11 October 2022.

P.C. :

Heard the learned counsel for the parties.

2 The Petitioner's grievance is that though the lands which are stated to be purchased by Petitioner's grandfather were acquired in the year 1914, compensation of Rs.7483/-, which was declared has not

been given. In the Petition itself, it is stated that the Notification under Section 4 of the Land Acquisition Act of 1894 (“The Act of 1894”, for short) was issued on 15 January 1914. Notice under Section 9 of the Act of 1894 was issued on 22 February 1914, and it appears that the dispute was raised and a Reference was made to the District Court, Nashik under Section 30 of the Act of 1894 in the year 1922.

3 Thereafter, in the narration there is a reference to the year 2003 where Petitioner seems to have taken interest and raised grievances before the Hon’ble Chief Minister. Thereafter, there is a reference to a Miscellaneous Application filed before the District Court at Nashik and an Application filed for heirship certificate of the year 2018.

4 The narration of the events would show gross delay and latches. It is not possible whatsoever to exercise writ jurisdiction in respect of an acquisition which has taken place almost 100 years ago. There is no explanation whatsoever for the period between 1914 to 2004, when Petitioner seems to have taken interest in the matter.

5 There is no merit in the Petition. Only because an assertion

is made that the Minister (Forest), in the year 2004, had looked into the issue, all that we observe that it is open to the Petitioner to make a representation to Respondent No.1–Principal Secretary, Ministry of Revenue, Mumbai. By this order we are not deemed to have condoned delay and nor deemed to have overlooked laches nor this order be construed as starting fresh period of limitation in favour of the Petitioner. It is for the Principal Secretary to take a decision.

6 Writ Petition is accordingly disposed of.

SHARMILA U. DESHMUKH, J.

NITIN JAMDAR, J.