

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 588 OF 2022

Sayyed Saat Peer Dargah Shariff ... **Petitioner**
Versus
Tata Communication Pvt. Ltd. & Ors. ... **Respondents**

Mr. Zaid Qureshi, Advocate for the Petitioner.

Smt. R. M. Shinde, Advocate for the Respondents.

**CORAM: S.V. GANGAPURWALA &
 VINAY JOSHI, JJ.**

DATED : APRIL 6, 2022

P.C.

1. We have heard the learned Counsel for the petitioner.
2. It would not be proper to entertain the writ petition after lapse of 56 years. The learned Counsel for the petitioner submits that the petitioner is handicapped for want of necessary documents and papers. Be that as it may, it is already admitted that the possession has already been taken. Even if the compensation amount has not been paid, the award does not lapse. Reference can be had to the judgment of the Constitutional Bench of the Apex Court in the case of *Indore Development Authority Versus Manoharlal & Ors.*¹

¹ (2020) 8 SCC 129.

3. The petitioner further seeks declaration that the property is wakf property. Such declaration cannot be given under Article 226 of the Constitution. In that case, the petitioner may avail appropriate remedy as may be permissible under law.

4. With the aforesaid observations, the writ petition is disposed of. No costs.

(VINAY JOSHI, J.)

(S.V. GANGAPURWALA, J.)

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