

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

WRIT PETITION NO.3369 OF 2023

Eknath s/o Vitthalrao Kadam

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr. Umakant P. Giri, advocate for the petitioner

Mr. P. K. Lakhotiya, AGP for Respondents No.1 to 3.

**CORAM : S. V .GANGAPURWALA, ACTING CJ &
S. G. CHAPALGAONKAR, J.**

DATE : 24th March, 2023.

PER COURT :

1 Mr. Giri, learned Counsel for the petitioner, submits that the possession of the petitioner's land has been taken by the respondents in the year 1994-95, though the scheme is introduced by the Government in the year 1988-89, the compensation is not paid to the petitioner. The learned Counsel for the petitioner submits that the petitioner has purchased the writ property in the year 1988 by a registered sale deed.

2 Respondent No.4- the Chief Officer of the Municipal

Council, Manwat, has issued a letter to the petitioner stating that S. No. 243 to the extent of 3 Hectares 22 Ares is purchased by the Municipal Council under the sale deed.

3 It also appears that the petitioner has filed a suit before the Court of Civil Judge, Senior Division, Gangakhed (Page 35), seeking declaration of ownership and injunction. He has also sought a declaration that the correspondence, made by Respondent No.4- Municipal Council pertaining to land S. No.243, be declared as null and void.

4 When a substantive suit is *sub judice* before the competent Civil Court, at this stage, the writ petition can not be entertained. The petitioner will have to get the cloud cleared about his title.

5 With these observations, writ petition is disposed of. No costs.

[S. G. CHAPALGAONKAR, J.]

[ACTING CHIEF JUSTICE]

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