

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

935 WRIT PETITION NO.4880 OF 2023

RAJESHWAR NAGNATH SWAMI DIED THR LRS UMAKANT
RAJESHWAR SWAMI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. S.B. Kakde
AGP for Respondents: Mr. S B Yawalkar

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CORAM : NITIN W. SAMBRE & S. G. CHAPALGAONKAR, JJ.
Dated: April 26, 2023

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PER COURT :-

1. Heard.
2. It is the case of the petitioners that petitioners land which was acquired by the respondents/State way back in 1962-1963 was returned to them as the same was not used for which the same was acquired.
3. It appears that the petitioners were already informed by the Collector on 15th May, 2001 that said prayer of the petitioners cannot be granted without approval of the Government.
4. Petitioners, instead of taking any steps pursuant to the said communication, has remained idle and it is only after

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lapse of 20 years, for the first time present petition is preferred seeking release of the land.

5. The fact remains that, once the land was acquired pursuant to the Award passed under section 12 of the Land Acquisition Act, 1894 and compensation is received by the petitioners, such land is not used for the same cause can be put to use for any other purpose.

6. In that view of the matter, in absence of there being any right in favour of the petitioners, we do not see any reason to cause interference under Article 226 of the Constitution of India. Petition as such stands dismissed.

(S. G. CHAPALGAONKAR, J.)

(NITIN W. SAMBRE, J.)

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