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

51 WRIT PETITION NO.8363 OF 2023

**RAJESH NANDU GANGARE (KOMTI)
VERSUS
STATE OF MAHARASHTRA THROUGH THE PRINCIPAL
SECRETARY AND OTHERS**

....

Mr Niranjan Milind Deshpande, Advocate for Petitioner;
Mr V. M. Kagne, A.G.P. for Respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRAGADE, JJ.**

DATE : 17th July, 2023

PER COURT:

1. This petition is an example of an attempt made by a litigant to take a chance with the process of law, which, in legal terms, would amount to abusing the process of law. The Petitioner is a businessman and is said to be in a business of clothing material.

2. The Petitioner claims that land C.T.S. No.18044 was acquired in 1908. With reference to the same, the Petitioner has put forth prayer clauses (a) and (b) as under :-

“a. That the Hon'ble Court be pleased to issue a writ of mandamus directing the respondent authority to decide the

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representation of the Petitioner dated 08.05.2023 expeditiously and thereby direct the respective authority to grant the compensation in favor of the Petitioner.

b. That the Hon'ble Court be pleased to issue a writ of mandamus or any other writ directing the Respondent Authority to grant the compensation in favor of the Petitioner by following the procedure established by the law.”

3. The learned Advocate for the Petitioner submits that, the Petitioner's only prayer is that, his representation dated 08/05/2023 be decided by the Respondents/Authorities. We have not acceded to the said request for the reason that, this very Petitioner was before this Court along with his cousin brother Kiran Shamrao Gangare, in Writ Petition No.2590/2022. After we heard this matter, we had passed an order on 17/11/2022, which reads as under :-

“1. The petitioners have put forth prayer clauses (B) and (C), which read as under :-.

“B] Their lordship be pleased to issue the writ of mandamus or any other appropriate writ, order or direction in the nature of mandamus directing to the respondents No. 1 to 3 to make available and to produce the record in respect of lands bearing S. No. 1/4, 5/1/1, 5/1/2-A, 5/1/3 and 5/2/2 of Kisharsingpura, Aurangabad acquired by the ascertain to Government and to whom the compensation is paid.

OR

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If the above land is purchased by the Government, the copy of Sale-Deed be made available to ascertain the fact of vendor of the Sale-Deed in respect of S. No. 1 and 5 Kesharsingpura, Aurangabad.

C] Their Lordship be pleased to issue the writ of mandamus or any other appropriate writ, order direction in the nature of mandamus directing the respondent no. 1 to 3 to pay the compensation of acquired land bearing 1/4, 5/1/1, 5/1/2-A, 5/1/3, 5/2/2, Kesharsingpura, Aurangabad if it is not paid to the petitioners family i.e. as per the Genealogy of family of petitioner.”

2. *The petitioners claim to be the great grandsons of a purported owner of the writ land. On specific instructions, the petitioners contend that, their great grandfather lost possession of the writ land 80 years ago. No steps were taken by the great grandfather or successors in title to regain the said possession. No suit was filed before any Civil Court. The petitioners are unaware about the use of the land. The petitioners do not know whether they were cultivating any crops. They do not know whether taxes were paid. They cannot say that 7/12 extract contains the names of the title holders or the cultivators. Reference is made to one Pratik Book, which is said to be of the year 1920, containing the name of their great grandfather. It is contended that the District Court, the land on which the bungalow of the Range I.G., the Sessions Courts, the residential colony known as ‘Manisha Colony’ behind Sessions Court, are all located on the land belonging to the great grandfather of the petitioners.*

3. *We do not wish to exercise our writ jurisdiction in the light of such disputed, vague and ambiguous contentions.*

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4. The petitioners pray for production of certain documents. We do not wish to enter into a roving enquiry in this petition. If the petitioners have any right to seek documents under the Right to Information Act, 2005, they are at liberty.

5. In view of the above, this petition is dismissed.”

4. The learned Advocate for the Petitioner submits that, all applications of the Petitioner under the Right to Information Act, 2005, have been rejected and all such orders have attained finality. He, concedes that, a Khasra patra of the year 1954 shows that, the Government is in possession of the land. His contention is, that the land was acquired in 1908 and no compensation is paid to his great grandfather/ancestors. When we confronted the Petitioner as regards foundational pleadings and the source of knowledge of information, we find that, there are no such pleadings in the memo of the petition. The Petitioner has no information, on which he could base his pleadings.

5. The Petitioner has then turned to the ‘Pratik book’ maintained under the old Hyderabad State. The same is on Page Nos.24 and 55. At page No.25, he points out an entry, which indicates that the land is in possession of the Government and the name of the ‘Khatedar’ is Chunnu Wald (s/o) Pochanna Komati.

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Similar entries are also at Sr. No.1 in relation to another entry. We perused the family tree placed before us by the Petitioner in his earlier Writ Petition No.2590/2022 and we find that, not a single person from his family tree, dating back to the times of his great great grandfather/great grandparents, carried the name of Chunnu s/o Pochanna Komati.

6. Having considered the above facts, it is quit obvious that the Petitioner has shown the courage of making a claim to the land, acquired in 1908 under the erstwhile Land Acquisition Act, 1894, with the further contention that, none of the great great grandfather or the great grandfather was paid any compensation. Such statements are without any basis.

7. The Petitioner has apparently filed this petition to seek an order from this Court that, his pending representation be decided. Since we probed into the matter, we have noticed that, the representation is a farce and an attempt to abuse the process of law to seek a decision on a representation lodged on 08/05/2023 so as to infuse life in a cause, which is without any foundation. Even a suit would be barred by the limitation with the passage of 115 years.

8. When the Petitioner had earlier approached us in Writ Petition No.2590/2022, we were liberal in not imposing costs. In the said matter, the Petitioner had contended that the great grandfather lost possession of the writ land 80 years ago. It was further canvassed that, the District Court, the bungalow of the Range I.G. and the Sessions Court, including the Manisha Colony, are all located on the land of his great great grandfather.

9. With the second round of litigation, having been made by the Petitioner on the basis of same contentions, **this petition is dismissed**, by imposing costs of Rs.50,000/- (Rs. Fifty Thousand), which the Petitioner would deposit in this Court, on or before 31/08/2023, failing which, the District Collector would proceed to recover the said amount as arrears of land revenue.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

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