

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

906 WRIT PETITION NO.12832 OF 2022

KRUSHNA CHANGO SHELKE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

Mr.P.R.Shinde h/f Mr.R.R.Karpe, Advocate for the Petitioner.
Mr.P.K.Lakhotiya, AGP for Respondent Nos. 1 to 5.

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

DATE : JULY 11, 2023

PER COURT :

1. We have heard the learned Advocates for the respective sides. None appears for Respondent No.6.
2. The Petitioner is admittedly covered by the judgment of this Court dated 09.03.2022 delivered in WP No.2563/2020 and 2557/2020 at Aurangabad. This Court has also passed a similar order on 23.06.2023 at Aurangabad in WP No.1539/2023.
3. The Petitioner claims to be the owner of land Gat No.331/2

admeasuring 1 hectre 21R situated at village Yevti, Tal.Bodhwad, Dist.Jalgaon. On 03.01.2017, Respondent No.2 introduced an irrigation scheme for certain areas/regions including Bodhwad. Because of precarious financial condition, the Petitioner desires to sell his share in Land Gat No.331/2 and executed a sale deed on 15.02.2021 in favour of Respondent No.6. He sought permission from the revenue authorities, which has been turned down by order dated 29.04.2022.

4. The Petitioner undertakes to file an affidavit declaring that he would not interfere with the acquisition process since he is relinquishing his right with the consent of all the family members and passing on the right, title and interest to Respondent No.6. The Petitioner undertakes that Respondent No.6 alone would be entitled to receive the compensation of the acquisition process to the extent of his share and he would not claim a single rupee of compensation.

5. Neither the petitioner, nor any seller, nor any purchaser or the adjacent land owners would cite the present sale transaction between the Petitioner and Respondent, as a sale instance during the

acquisition proceedings.

6. The Petitioner as well as Respondent No.6 would tender individual affidavits in this petition within 15 days, declaring that they would be bound by the above terms and conditions.

7. In view of the above, **this Petition is partly allowed.** The impugned order dated 29.04.2022 stands quashed and set aside. The above contingencies / conditions set out in the foregoing paragraphs, would bind the Petitioner and Respondent No.6 and both shall file their affidavits as directed.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)