

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

925 WRIT PETITION NO.14853 OF 2019

BABASAHEB TUKARAM KADAM ... Petitioner

VERSUS

THE STATE OF MAHARASHTRA & ORS. ... Respondents

...

Mr. N. L. Jadhav, Advocate for the Petitioner

Mr. S. G. Sangle, AGP for the Respondents/State

...

**CORAM : NITIN W. SAMBRE &
S. G. CHAPALGAONKAR, JJ.**

DATE : 14.03.2023

PER COURT :

1. The case of the petitioner is that land old Survey No.37, was owned by his father from which minor mineral was extracted by the then Sarpanch. It is claimed that his father accordingly lodged a complaint on 23rd October, 1972 seeking compensation from the Collector as at the relevant time the drought was declared.

2. According to the petitioner, such act of withdrawal of minor mineral i.e. metal was continued and as such, the petitioner has come out with the prayer before this Court for issuance of directions to the respondent – Collector to pay the compensation to the petitioner for 20 R. land out of Survey No. 37 Gut No.94.

3. There is hardly any material to infer that the mineral which was extracted from the private land of the petitioner was to be used for the

public purpose that too at the behest of public authorities. Rather the communication dated 23rd October, 1972 or subsequent communications are only unilateral in nature i.e. addressed by the petitioner.

4. In the aforesaid background, in our opinion, the petition not only contains disputed question of fact but primarily, the communication dated 23rd October, 1972 allegedly issued by the father of the petitioner depicts that the claim is time barred.

5. In view of above, the petition stands dismissed.

(S. G. CHAPALGAONKAR, J.)

(NITIN W. SAMBRE, J.)

Sameer