

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3301 OF 2023

Dinkar Nabaji Fulsundar & Ors. ...Petitioners

Versus

Gavkamgar Talathi,
Sajja Warulwadi and Narayangaon And Ors. ...Respondents

....

Mr. Nitin P. Deshpande for the Petitioners.

Ms. P. J. Gavhane, AGP for the State.

**CORAM : G. S. KULKARNI,
JITENDRA JAIN, J.J.**

DATE : 23rd AUGUST, 2023.

PER COURT:

1. We have heard Mr. Deshpande learned counsel for the Petitioners and Ms. Gavhane AGP for the State. This petition under Article 226 of Constitution of India has prayed for the following reliefs:

a. this Hon'ble Court may, by way of appropriate writ Order or direction, direct the Respondents to forthwith delete the entries of reservation from revenue record of the land bearing Gat No.233/2 (old 924/2) (old, P.O. Warluwadi, Taluka Junnar, District Pune;

b. all other just and necessary Orders may kindly be passed in favour of the Petitioners.

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2. The case of the Petitioner is that the Petitioner's land bearing Gat No.233/2 (Old 924/2) situated at Warulwadi, Tal. Junnar, Dist. Pune has been in the beneficial zone for last 24 years. It is the Petitioner's contention that the said land has not been acquired and the Revenue Entries in respect of reservation of the land for such acquisition have continued to operate. It is the Petitioner's contention that such reservation cannot continue indefinitely. In this circumstances, the present petition has been filed.

3. We note from the averments made in the petition that before the jurisdiction of this Court under Article 226 of Constitution of India is invoked, the Petitioners have not made a representation raising their contentions before the concerned Officer of the State Government or the State Government, which is a condition precedent in seeking a relief for issuance of a writ of mandamus.

4. In the above circumstances, we are of the opinion that the present writ petition itself be considered by the Respondents as a representation made by the Petitioners and an appropriate decision on such representation be taken as expeditiously as possible within a period of eight weeks from today.

5. All contentions of the parties are expressly kept open.
6. Petition stands disposed off in above terms. No costs.

[JITENDRA JAIN, J.]

[G. S. KULKARNI, J.]