

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

WRIT PETITION NO. 3467 OF 2016

Zarina Aasif Shaikh & Anr.

..Petitioners

V/s.

Shri.Maruti Dharma Waskar (Deceased)

Sitabai Maruti Waskar & Ors.

..Respondents

Mr. V.S.Talkute i/by Mr. Prashant D.Jadhav for the Petitioners.

Mr. Rahul Thackur for Respondent No.1-a, 1-c to 1-e.

Mr. Rohit Pramod Sakhadeo for the Respondent Nos. 3 to 5.

Mr. Vasant S.Gokhale 'B' Panel Counsel for State.

**CORAM : R.D.DHANUKA, AND
GAURI GODSE, JJ.**

DATE : 21 MARCH 2023

P.C.

. This Writ Petition under Article 226 of the Constitution of India is filed by the Petitioner who claims interest in the land bearing Survey No.116 Hissa No.1+3B admeasuring about 0-70-9 situated at Mouje Owe, Tal.Panvel, Dist.Raigad and award dated 19/03/1985 or in the alternative, to direct the Respondent No.3 to 5 to file land reference under Section 18 of the Land Acquisition Act, 1894 before the District Court.

2. The Grandfather of the Petitioner had alleged to have purchased the property in the year 1964 from the predecessor of Respondent No.1. After the death of Petitioners' Grandfather, name of Grandmother was mutated in mutation entry on 06/10/1968. Section 4 notification of the Land Acquisition Act, came to be issued in respect of the land in question during the period from 1970-73. Section 6 notification was issued in the year 1972-73. The land was acquired for Navi Mumbai Development Project.

3. It is the case of the Petitioner that Petitioner came to know about the mutation entry recorded in the name of Respondent No.1 in the year 1997 and accordingly challenged the said entry. The mutation entry was made on 22/2/1985. Present Writ Petition is filed on 24/2/2016.

4. We have perused the averments made in the petition. Gross laches in filing writ petition has not been explained in the Writ Petition.

5. Mr.Talkute learned counsel for the Petitioner submits that there is a fraud perpetrated upon his client by the original Respondent No.1 and thereafter on Respondent No.1a to 1e.

No particulars of alleged fraud are mentioned in the writ petition. Writ petition is thoroughly misconceived.

6. Hence, following order is passed:

Writ Petition is dismissed with no order as to costs.

GAURI GODSE, J.

R.D.DHANUKA, J.