

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

WRIT PETITION NO.9511 OF 2015

Mr. Kisan R. Shelke

...Petitioner

Versus

The Collector, Rehabilitation Dept. & Ors. ...Respondents

Ms. Gauri Jadhav for the Petitioner.

None for the Respondents

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

DATE : 23rd JUNE, 2023.

P. C. :

1. We have heard this petition on the earlier occasion and also today. Considering the nature of the prayers as made in the petition and more particularly considering the fact that although the award was made by Respondent No.5(a)-Special Land Acquisition Officer dated 30th April 2004, the Petitioner continuous to be in possession of the land in question being Gat No.90/2 situated at Mouje Koregaon, (Khurd), Taluka, District Pune, we are of the opinion that the only remedy which would be available to the Petitioner would be to make an application under the provisions of Section 48 of the Land Acquisition Act, 1894 for deletion of the land from acquisition. We, accordingly, dispose of this petition with

liberty to the Petitioner to make such application to the appropriate authority under Section 48 of the Land Acquisition Act, 1894 on the grounds as asserted in the writ petition. If any such application is made by the Petitioner within two weeks from today, let the same be decided by the concerned authority of the State Government as expeditiously as possible and within a period of four months from the date of the said application being received by the appropriate authority. The appropriate authority shall not reject the application on the ground of delay, as the Petitioner was bonafide pursuing to the present petition, which came to be filed on 17th August 2015 ordered accordingly.

2. The Petition is disposed of in the aforesaid terms. No costs.

3. All contentions of the Petitioner including the contentions as asserted in the present proceeding are expressly kept open.

[JITENDRA JAIN, J.]

[G. S. KULKARNI, J.]