

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12246 OF 2022

Rajendra Dagdu Gaikawad ..Petitioner

Versus

The State of Maharashtra & Ors ..Respondents

ANJALI
TUSHAR
ASWALE

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ANJALI TUSHAR
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Date: 2023.08.02
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Mr.Bhushan Walimbe i/b Preetil Walimbe,
Advocates for the Petitioner

Mr.A. I. Patel, Addl. G.P., Mrs M. S. Bane, AGP, for
the State/ Respondent. Nos.1, 2 & 6.

CORAM : B. P. COLABAWALLA, J &
M. M. SATHAYE, JJ.
DATE : AUGUST 1, 2023

P.C.

The above Petition is filed inter alia seeking a writ of mandamus directing the Respondents to delete entry of “Land acquired for Bhama Aaskhed North Canal” from the other rights column of the 7/12 extract of the land of the Petitioner bearing Gut No.222 situated at village Nanekarwadi, Tal. Khed, District Pune.

2 The reason why the Petitioner seeks this relief is that, according to the Petitioner, the acquisition proceedings in relation to the said property have admittedly lapsed. In support of this

contention, Mr. Walimbe, the learned counsel appearing on behalf of the Petitioner, brought to our attention the letter dated 17th August, 2022 addressed by one of the officers of Respondent No.7 to the Petitioner. This letter states that the application filed by the Petitioner for deleting the said entry is in process before the office of the Collector. Relying upon this letter, Mr. Walimbe submitted that this clearly shows that the acquisition which was proposed for the benefit of Respondent No.7 (the Acquiring Body) has been given a complete go-by and there is no acquisition as the same has lapsed.

3 Considering these facts, on 5th July, 2023 we had directed the learned AGP to take instructions from the concerned officer and inform the Court whether the acquisition of the Petitioner's land, and which is the subject matter of the present Petition, has in fact lapsed.

4 Today the learned AGP has tendered a letter dated 22nd December, 2022 addressed by the SLAO No.17, Pune to PLAQ (the concerned department of the Collector-Land Acquisition Coordination Branch), wherein it is stated that the land of the Petitioner is not acquired and no proposal for its acquisition is

also pending. He has also tendered a letter dated 24th July, 2023 addressed by the Deputy Collector (Rehabilitation), Pune to the Government Pleader wherein it is stated that the process of deleting the endorsement in the 7/12 extract of the Petitioner's land is in progress.

5 The letter dated 22nd December, 2022 is taken on record and marked “X” for identification. Similarly, the letter dated 24th July, 2023 is taken on record and marked “X-1” for identification.

6 Considering that it is an admitted position that there is no acquisition of the Petitioner's land, we direct the concerned authorities to delete the endorsement of “Land acquired for Bhama Aaskhed North Canal” from the other rights column of the 7/12 extract of the land of the Petitioner bearing Gut No.222 situated at village Nanekarwadi, Tal. Khed, District Pune, as expeditiously as possible and in any event within a period of four weeks from today.

7 The Writ Petition is accordingly disposed of. No order as to costs.

8 This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[M. M. SATHAYE, J.]

[B. P. COLABAWALLA, J].