

PVR

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

WRIT PETITION NO. 968 OF 2023

Shri. Baban Shankar Pingale	..Petitioner
Vs.	
State of Maharashtra & Ors.	..Respondents

Mr. Namitkumar Pansare i/b. Mr. Drupad Patil for Petitioner.
Mr. Rajan S. Pawar, AGP for State.

**CORAM : G. S. KULKARNI &
JITENDRA JAIN, JJ.**
DATE : JUNE 28, 2023

P.C.:

1. We have heard learned Counsel for the petitioner. We are not inclined to interfere in the present proceedings as the petition itself is barred by gross delay and laches. The petitioner has prayed for a writ of mandamus directing the respondents to allot land to the petitioner. The petitioner's contention is that the land in question which was held by his father was the subject matter of acquisition of land for which notices under Section 12(2) of the Land Acquisition Act, 1894 were issued on 9 March 1989. His contention is that the petitioner's father had deposited an amount of Rs.10,000/- and on the basis of totally illegible copy of the said receipt at ('Exhibit C') of which we cannot verify the genuineness of this

receipt in a writ petition filed under Article 226 of the Constitution. This apart, the petitioner's father during his life time did not take up any proceedings. He expired in the year 1995. It is the petitioner's submission that his father had made an application for alternate land. Although such application is made, no document in supporting such contention has been placed on record.

2. Be that as it may, it is the contention of the petitioner that the petitioner made request for allotment of an alternate land for the first time on 28 April 2005 on which on 19 May 2005 the District Rehabilitation Officer has called for explanation and details. The petitioner, however, did not comply with such request and for the first time after about 16 years that is on 5 February 2021 made another application, and thereafter, as no action has been taken, the present petition has been filed.

3. We also note from the averments as made in the memo of the petition that the petitioner has resorted to completely vague and ambiguous pleas. As also in paragraph 7 of the petition, the petitioner has made averments that the petitioner has approached this Court as expeditiously as possible and there are no delays. We are quite surprised by such statement as made in the petition. There is no explanation for such inordinate delay and laches. The law would not assist and come to

the aid of any litigant who has been sleeping over his rights. In any case, on the nature of the petition as filed, we are unable to exercise our discretionary jurisdiction to grant any reliefs as prayed for.

4. The petition is, accordingly, dismissed. No costs.

[JITENDRA JAIN, J.]

[G. S. KULKARNI, J.]