

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 653 OF 2024

Narayan Parasram Thavre And Another

VERSUS

The State Of Maharashtra Through Its Secretary And Others

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Advocate for the Petitioners : Mr. Adkine Sonaji Kundlikrao

AGP for Respondent/State : Mr. N.S. Tekale

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CORAM : S.G. MEHARE &
S.G. CHAPALGAONKAR, JJ.

DATED : DECEMBER 17, 2024

PER COURT :

1. Heard learned counsel for the petitioners and learned AGP for the State.

2. It is a case of its own type. On one hand the petitioners have impugned the awards and filed the execution proceedings, and on the other hand, they are seeking relief from the Court that the land acquired be restored to them.

3. Considering the factual aspects of the case, we are not agreeable with the submissions of the petitioners that since the land is not used for ten years, it is liable to be restored. Once the land is taken in possession, cultivation by true owner is nothing but an encroachment. Since the petitioners do not satisfy the Court that this Court can exercise the discretion under Article 226 of the Constitution of India, we dismissed this petition in limine.

(S.G. CHAPALGAONKAR, J.)

(S.G. MEHARE, J.)