



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

39 WRIT PETITION NO. 3344 OF 2024

**SHAIKH PASHA UMAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR
AND OTHERS**

...
Shri Vikas S. Tanwade, Advocate for the Petitioner.
Shri A.A.A. Khan, AGP for Respondent Nos.1 and 2/State.
...

**CORAM : RAVINDRA V. GHUGE
&
R.M. JOSHI, JJ.**

DATE :- 02nd April, 2024

Per Court :-

1. The Petitioner has put forth prayer clauses B and C
as under:-

“B) *By issuing the writ of mandamus or any other writ, order or directions in the like nature the respondents may kindly be directed not to create any obstructions in the peaceful possession of the petitioner over the agricultural land comprise in gut no. 86 and 87 adm. 3 H. 59 R. and 1 H. 4 R. situated at village Kambi, Tq. and Dist. Beed without initiating any Land Acquisition Proceeding u/sec. 11 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation, and Resettlement Act, 2013*

C) *By issuing the writ of mandamus or any other writ, order or directions in the like nature the*

respondents may kindly be directed to initiate the land Acquisition Proceedings u/sec. 11 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation, and Resettlement Act, 2013 and thereby completing the proceeding to its logical end by paying the compensation of the money to the petitioners in respect of land gut no. 86 and 87 adm. 3 H. 59 R. and 1 H. 4 R. situated at village Kambi, Tq. and Dist. Beed."

2. The Petitioner himself was the Plaintiff before the Civil Court in Regular Civil Suit No.83/2018. By the judgment and decree dated 15.12.2020, the suit was decreed and the following declaration was made by the learned Civil Court:-

“०२. प्रतिवादी क. ५ ते ७ यांना वादीचे शेत गट नं. ८६ व ८७ मौजे कांबी ता.जि.बीड येथून नि.३९ नूसार असलेला मोजणी नकाशा 'क' प्रत मधील केशरी, काळ्या व हिरव्या रंगाने दर्शविलेला रस्ता बैलगाडी, ट्रॅक्टर अथवा अवजड वाहने वापराकरीता अथवा येण्याजाण्या करीता कोणताही रस्ता नाही, असे घोषित करण्यात येत आहे.

०३. प्रतिवादी क. ५ ते ७ यांनी वादीच्या ताब्यातील व उपभोगातील गट नं. ८६ व ८७ मौजे कांबी, ता.जि. बीड येथील शेतीमध्ये वाढीच्या ताब्यात व कब्जे उपभोगामध्ये कोणताही अडथळा करू नये, असा निरंतर मनाई हुकूम पारीत करण्यात येत आहे.”

3. In the above backdrop, the Petitioner prays that we should direct the Government to acquire his land.

4. The learned AGP submits, on instructions, that the Government does not need the land and has no intention of utilizing the said land.

5. In view of the above, we have no cause before us for issuing a Writ of Mandamus. If anybody is violating the order of the Civil Court, the Petitioner is not remedy-less.

6. In view of the above, **the Writ Petition is disposed off.**

kps (R.M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)