



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9228 OF 2024

HUSSIN ASLAM PATHAN
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS

.....
Advocate for the Petitioner : Mr. R.M. Sayyad
AGP for Respondents/State : Mr. S.K. Tambe
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CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.
DATE : 27th August, 2024

PC. :-

1. The Petitioner has put-forth prayer clause-C, D and E, as under:

“C. By issuing a Writ of Mandamus and/or by passing appropriate directions, the Respondent No. 3 & 16 may kindly be directed to conduct an inquiry in respect of acquisition of land of Petitioner survey no 255 & 258, survey no.255 admeasuring 12 Acre 17R. and survey no258 admeasuring 1 Acre, Survey no 259 admeasuring 9Acre 15R. and admeasuring 21 acre. For the purpose and grant compensation and other ancillary reliefs to which this petitioner is entitled as per the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

D. By issuing Writ of Mandamus or any other writ in the like nature, disciplinary inquiry may kindly be initiated against the Respondent No. 4, to 16 and all other concerned officers for not complying with the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and for unnecessarily harassing the petitioner.

E. Compensatory cost may be saddled upon the Respondent No. 3 to 16 for not conducting the inquiry in respect of acquired land of petitioner and for not following the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.”

2. After this matter was heard for some time, the learned advocate for the Petitioner submitted that the land mentioned in the prayer clauses, belongs to his grandfather. After his grandfather passed away, the land came to the share of his father. As on today, after the passing away of his father, the name of the Petitioner has not been entered in the revenue records to indicate that he is the title holder of the property. He submits that Writ Petition No.10056/2017, with regard to the same property, is pending before the High Court in which the litigation pertains to the shares in the said property. The Petitioner has filed a Civil Application for intervention bearing stamp no.22476/2024.

3. The record reveals that the Petitioner has instituted R.C.S. No.321/2019, seeking declaration of ownership and for regaining possession of the same land and for injuncting the Police training center from occupying the land. Another suit bearing R.C.S. No.212/2020 is also pending. Both these suits are with regard to two survey nos.259/1 and 258/2.

4. Considering the above contentions and the pendency of litigation, the Petitioner is unable to convince us as to how this Court can direct that the land should be acquired and the Petitioner should be granted compensation, when the very right, interest and title of the Petitioner is yet to be established and series of litigation are pending before various Courts with regard to the same land / Writ property.

5. In view of the above, **this Writ Petition is dismissed**. The dismissal of this Petition would not influence the outcome of the pending litigation involving the Petitioner.

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]