

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11393 OF 2024

Akash Rama Gajale

VERSUS

The State Of Maharashtra Through Its Secretary And Others

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Advocate for the Petitioner : Mr. Tekwad Shivanand Dattatray

AGP for Respondent/State : Mr. S.P. Joshi

Advocate for Respondent No.3 : Mr. S.B. Pulkundwar

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CORAM : S.G. MEHARE AND
SHAILESH P. BRAHME, JJ.

DATED : NOVEMBER 28, 2024

PER COURT:-

1. Heard learned counsel for the petitioner.
2. Issue notice to the respondents.
3. Learned AGP waives service of notice for respondent nos.1, 2 and 4. Learned counsel Mr. S.B. Pulkundwar waives service of notice for respondent no.3.
4. The admitted fact of the case is that the school is constructed on the so-called land allegedly owned by the petitioner long back in 1999. The entry to that regard has also been taken in the revenue record. Respondent no.3 claimed that the land was gifted by his forefather to the Zilla Parishad to construct the school building. However, the document of gift is not available with the office.

5. The petitioner has moved Writ Petition No.3193 of 2024. This Court by order dated 26.03.2024 directed the respondent no.2, the Land Acquisition Officer @ Deputy Collector to decide the representation. Respondent no.4 accordingly took the decision on 12.08.2024 and ordered that the disputed land was never proposed to his office for acquisition and acquisition proceeding is pending. The petitioner now filed this writ petition to injunct or direct respondent no.3 to acquire the land. We are of the candid opinion that no such injunction can be issued against the authority. Considering the case, at the most, it may be an encroachment over the land of the petitioner. Hence, this petition is not maintainable. The petitioner has alternate efficacious remedy to seek the possession under other law. Hence, the petition stands dismissed.

(SHAILESH P. BRAHME, J.)

(S.G. MEHARE, J.)