



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

22 WRIT PETITION NO. 9493 OF 2024

SIDDHESHWAR NAGAPPA WALKE
VERSUS
THE STATE OF MAHARASHTRA
THROUGH DISTRICT COLLECTOR AND OTHERS

...

Mr. Ravibhushan P. Adgaonkar, Advocate for the Petitioner
Mr. S. K. Tambe, AGP for Respondents State

CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRAGADE, JJ.

DATE : 10th September, 2024

ORDER:

1. The Petitioner before us, who was 10 years old in 1970, desires that the judgment of this Court dated 10th October, 1991 (Coram: S.P. Kurdukar and N.P. Chapalgaonkar, JJ.), delivered in Writ Petition No. 3124 of 1991, should be implemented in favour of the Petitioner as well. The learned AGP draws our attention to the judgment delivered by the Hon'ble Supreme Court dated 12.05.1995 in **State of Maharashtra Vs. Digambar, AIR 1995, SC 1991**, by which, the very same judgment dated 10th October, 1991 has been quashed and set aside. The Hon'ble Supreme Court has observed in Paragraph Nos. 24 and 25 as under:-

"24. Thus, when the writ petitioner (respondent here) was guilty of laches or undue delay in approaching the High Court, the principle of laches or undue delay adverted to above, disentitled the writ petitioner (respondent here) for

discretionary relief under Article 226 of the Constitution from the High Court, particularly, when virtually no attempt had been made by the writ petitioner to explain his blameworthy conduct of undue delay or laches. The High Court, therefore, was wholly wrong in granting relief in relation to inquiring into the allegation and granting compensation for his land alleged to have been used for scarcity relief road works in the year 1971-72. As seen from the judgment of the High Court, the allegation adverted to above, appear to be the common allegation in other 191 writ petitions where judgments are rendered by the High Court following the judgment under appeal and which are subject of S.L.Ps. in this Court that are yet to be registered. We have, therefore, no hesitation in holding that the High Court had gone wholly wrong in granting the relief which it has given in the judgment under appeal, and judgments rendered following the said judgment in other 191 writ petitions, said to be the subject of S.L.Ps otherwise. All the said judgments of the High Court, having regard to the fact that they were made in writ petitions with common allegation and seeking common relief, are liable to be interfered with and set aside in the interests of justice even though only learned counsel appearing for a few writ petitioners were heard by us.

25. *In the result, we allow this appeal, set aside the judgment under appeal, dismiss the writ petition of the writ petitioner (respondent here) and also annul all those judgments rendered by the High Court following the judgment under appeal, even though the S.L.Ps filed in respect of them before this Court are yet to be registered or even if no S.L.Ps are filed in respect of them. However, in the facts and circumstances of the present case, we make no order as to costs."*

2. At this juncture, the learned Advocate for the Petitioner submits that acquisition proceedings have been started by the concerned authority, vide a notification under Section 4 of the Land

Acquisition Act, 1894, dated 22.07.1992. The learned AGP submits that the said proceedings have now been halted since the judgment of this Court dated 10th October, 1991 (supra) has been quashed and set aside by the Hon'ble Supreme Court.

3. In view of the above, **this Writ Petition is dismissed.**

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan