

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 6278 OF 2023

Mr. Balkrushna Ramji Adole

...Petitioner

Versus

Collector Nashik, Taluka And District
Nashik And Anr

...Respondents

WITH

WRIT PETITION NO. 6601 OF 2023

Mr. Pandurang Ganpat Adole and Ors.

...Petitioners

Versus

Collector Nashik, Taluka And District
Nashik And Anr

...Respondents

Mr. Narayan Rokade for the Petitioners in both petitions.

Ms. M.S. Bane, AGP for Respondent Nos. 1 & 2/State in
WP/6278/2023.

Ms. Nisha Mehra, AGP for Respondent No.1 and 2/State in
WP/6601/2023.

**CORAM : NITIN JAMDAR AND
M.M.SATHAYE, JJ.**

DATE : 9 JANUARY 2024

P.C. :

. The Petitioners are questioning the action of the Respondents in taking possession of the land in question. The learned counsel for the Petitioners states that till date, the land is unutilised and

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therefore, the action is bad-in-law and the possession be given back to the Petitioners.

2. We have to note that though it is correct that such situation can amount to deprivation of the property, while considering the challenge in the writ jurisdiction, the aspect of delay and laches is not entirely immaterial. According to the Petitioner, the possession is taken some time in the year 1972 to 1974 i.e. 50 years ago. Not only these petitions lack material particulars, there is no cogent explanation for this delay, if at all there can be any.

3. In view of this position, the learned AGP has rightly contended that it does not have the record of the proceeding as to whether the compensation is paid or not. Even assuming that the cases of this nature needs to be looked at sympathetically, delay and laches of 50 years cannot be over looked, as adjudication of such assertion of disputed questions cannot be done for lack of record.

4. Writ Petitions are accordingly rejected.

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)