



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 824 OF 2019

Shri. Kamaleshwar and BhairavinathPetitioner
Devasthan Trust Thru its Trustee Manik
B Patole

Vs.

State of Maharashtra throughRespondents
AGP High Court and Ors

Mr. Vilas Tapkir for the petitioner
Mr. B. B. Dahiphale AGP for the State

CORAM : GAURI GODSE, J.

DATE : 4th MARCH 2024

P.C.

1. This petition takes an exception to dismissal of the petitioner's revision application by the learned Minister filed under section 257 of the Maharashtra Land Revenue Code ('MLRC').

2. Learned AGP raises preliminary objection of maintainability of the prayers of the petitioner on the ground that same prayers for

deleting the property from acquisition is rejected by this Court by order dated 11th November 2003 passed in Writ Petition No. 5590 of 2003 filed by the petitioner. He submitted that after rejection of the petition, the petitioner made a similar prayer by taking recourse to section 257 of MLRC. Learned AGP also raised an objection of delay and laches and submitted that acquisition is of the year 1991. The earlier prayers are rejected by this Court in the year 2003 and thereafter revision application was filed by the petitioner in the year 2004.

3. Learned counsel for the petitioner submitted that earlier prayer for deleting the property from acquisition was rejected on the ground that possession was already taken from the petitioner. He submits that fresh revision application filed before the State Government was on different grounds. Hence, earlier rejection cannot be a ground for not entertaining the petitioner's prayer in the revision application.

4. I have perused the earlier order as well as other record relied upon by the petitioner. Learned AGP is right in raising an objection that the petitioner's prayer for deleting the property from acquisition is already rejected by this Court. Learned AGP is also right in submitting

that grievance of the petitioner in the present petition as well as before the learned Minister suffers from delay and latches. Perusal of the impugned order indicates that inspite of rejection of the earlier prayer, learned Minister has examined the contentions of the petitioner and the prayers made by the petitioner are rejected. Learned Minister has also taken into consideration the earlier prayer made by the petitioner for deleting the property by filing an application under section 48(1) of the Land Acquisition Act. I do not see any error or illegality in the reasons recorded by the learned Minister in rejecting the petitioner's application. In view of the aforesaid facts, no ground is made out for intervention by this Court under Article 227 of the Constitution of India.

5. For the reasons recorded above, writ petition is dismissed.

[GAURI GODSE, J.]