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

***WRIT PETITION NO. 16364 OF 2023***

Mahadev Bhiku Salunkhe and Ors.

... Petitioners

V/s.

The State of Maharashtra and Ors.

... Respondents

Mr. Ketan Dhavle for the Petitioners

Mr. V.M. Mali, AGP for the Respondent - State

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

***DATE : 20 MARCH 2024***

**P.C. :-**

This Writ Petition is filed for a writ of mandamus to the Additional Commissioner, State of Maharashtra to entertain and finally decide Appeal No. 945 of 2000 under Section 48(1) of the Land Acquisition Act, 1894.

2. Bare perusal of Section 48(1) does not contemplate that an application to be made let alone styled as an appeal with a regular number. Section 48(1) of the Land Acquisition Act is a power vested in the State giving it liberty that except in the cases of Section

36, the State Government is at liberty to withdraw from the acquisition of any land of which possession of the land has not been taken. This is a power to be exercised by the State Government in the larger public interest. It is not a quasi judicial power for which an appeal has to be entertained to adjudicate rival contentions and thereafter, pass an order akin to a judgment. No such procedure is placed before nor any legal right is demonstrated to issue a writ of mandamus.

3. The Writ Petition is rejected.

*M.M. SATHAYE, J.*

*NITIN JAMDAR, J.*

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