



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
WRIT PETITION NO. 553/2024

(TULSABAI SHAMRAO GAJBHIYE & ANR **VERSUS** THE COLLECTOR, NAGPUR & OTHERS)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri N.A. Jachak, counsel for the petitioners.

Shri S.M. Ukey, Additional Government Pleader for the respondent-State.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : JANUARY 24, 2024.

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Heard the learned counsel for the parties.

2. The prayer is for directions to the respondents to return the land of the petitioners or to decide the representation dated October 27, 2020 and similar other representations wherein the petitioners claim to have sought return of their land.
3. The submission of the petitioners is that the land was taken possession of without there being any acquisition proceedings. Reliance is placed on the information provided under the Right to Information Act, 2005 whereby it is informed that the record in relation to the land acquisition is not available. It is further claimed that in such an eventuality, this Court must draw inference that the land of the petitioners was never acquired.
4. The learned Assistant Government Pleader opposed the prayer made in the writ petition.
5. Having appreciated the claim of the petitioners, what can be noticed from the communication dated June 01, 2023 issued by the Information Officer, Petkaldongri to Tahsildar (Rural), Nagpur that the land of the petitioners was acquired long back and a revenue entry is taken in Adhikar Abhilekh Panji E.K.N.124/A-65/64-65 dated October 10, 1966 that the land in question is acquired for Venna Project. The petitioners themselves have admitted that out of the land in Khasra No.10/1, land admeasuring 2.7258 HR was returned in their favour and now the petitioners are seeking return of the remaining land.

6. The petitioners have also stated that they have been given a hearing by the Collector, however the orders are not yet passed.

7. On one hand, the petitioners are claiming that they were not paid compensation for the acquisition of their land and on the other hand they are claiming that their land be returned. The petitioners have taken contradictory stands before this Court. The petition, in our opinion, does not warrant consideration in view of the long standing revenue entry in Adhikar Abhilekh Panji dated October 10, 1966 wherein it is mentioned that the land was acquired for the Venna Project.

8. As far as the release of the balance land is concerned, the petitioners have already approached the Revenue Authority i.e. Collector. The petitioners can pursue the issue with the said Authority, who is expected to pass an order in accordance with law.

9. As such, we do not see any cause to interfere in extraordinary writ jurisdiction. The writ petition fails and the same is dismissed as such. No costs.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)