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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 4707/2024

Pralhad Jumde

...VERSUS...

State of Maharashtra & others

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

Court's or Judge's orders

Mr.H.A. Khedikar, Advocate for the Petitioner(s)

Mr. H.D. Marathe, AGP for the Respondent/State

CORAM :- NITIN W. SAMBRE & ABHAY J. MANTRI, JJ.

DATED :- AUGUST 13, 2024

(1) Heard.

(2) It is the case of the Petitioner that originally the land bearing Survey No. 52 out of Patwari Halka No. 47 was consisting of 1.76 Hectare. While implementing the consolidation scheme, 0.10 Hectare land was adjusted to be sub-merged under water and as such, the area in the Revenue Records was noted as 1.67 Hectare in the name of the Petitioner.

(3) It is the case of the Petitioner that the Respondent No. 2 - Land Acquisition Officer, pursuant to the request of the Respondent No. 3 - Acquiring Body, passed an Award on

24/12/2004 thereby acquiring the land to the extent of 1.17 Hectare out of the aforesaid land of the Petitioner which was given Survey No. 50.

(4) According to him, after acquisition of 1.17 Hectare land out of total holding of 1.67 Hectare, the balance land remained in favour of the Petitioner. The balance land to the extent of 0.50 Hectare was never subjected to acquisition. As such, the Petitioner has every right to enjoy the said property in view of the Constitutional right provided under Article 300-A of the Constitution of India.

(5) It is claimed by the Petitioner that none of the Respondents are attending the request of the Petitioner thereby permitting him to enjoy the said land and the Respondent No. 3 is physically restraining the Petitioner from entering the land of which he is the owner. Apart from above, the other Respondents, particularly the Collector, Nagpur, without looking into the grievance of the Petitioner, has permitted the Respondent No. 3 to use the land of the Petitioner.

(6) As such, the aforesaid conduct of the Respondent No. 3 has made them liable not only for the damages but also an order of injunction restraining them from interfering with possession of the Petitioner. He would further claim that in view of the acquisition of the land, pursuant to the Award

referred above, it is necessary that all the Respondents must specify and identify the land of the Petitioner to the extent of 0.50 Hectare.

(7) Issue notice for final disposal to the Respondents, returnable on 27/08/2024.

(8) Mr. H.D. Marathe, learned AGP waives notice for the Respondent Nos. 1, 2 & 4.

(9) We direct the Respondent No. 1 - Collector, Nagpur and the Respondent No. 3 - Acquiring Body to file their affidavits by the returnable date.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)