



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2150 OF 2021

Moti Ananda Khatawkar & anotherPetitioners

VERSUS

The State of Maharashtra & othersRespondents

Mr. L. V. Sangit, Advocate for the Petitioners.

Mr. B. B. Bhise, AGP for the State.

Mr. Anshuman Deshmukh, Advocate holding for Mr. Bhausahab Deshmukh, Advocate for Respondent No. 3.

**CORAM : KISHORE C. SANT AND
ABASAHEB D. SHINDE, JJ.**

DATE : 9th DECEMBER, 2025.

PER COURT :

1. Petitioners have approached this court seeking direction to handover possession of the land i.e. Gat No. 3/2 admeasuring 46 R situated at Pathardi, Dist. Ahmednagar.

2. Presently, the land is in possession of Maharashtra State Road Transport Corporation and is used as bus stand for State Transport Corporation buses. It is the case of the Petitioners that the said land was acquired without following due procedure in the year 1956. On 16.07.2000, the Petitioners made representation to the Minister of Transport, State of Maharashtra, stating that the land

is taken in possession without following due procedure of law and no compensation is ever paid. It is further case that atleast rent of the land be given to the Petitioners.

3. Heard learned Advocate for the Petitioners and learned AGP for the State.

4. The learned Advocate for Petitioners vehemently argued that the land is taken in possession of MSRTC without following the procedure as prescribed in law. No land acquisition proceeding is undertaken and no compensation is paid. Even, the rent of the said land is not paid to the Petitioners. On realising that the said land belongs to the Petitioners, they immediately started agitating their grievance before the Respondent however, no heed is paid. He invites attention of the Court to the reminders sent to the various authorities from time to time. He thus, submits that the Petition deserves to be allowed by directing the Respondents to pay atleast rent of the subject land to the Petitioners.

5. Learned AGP vehemently opposes the Petition mainly on the ground of delay and laches. He submits that though allegation is

made that the land is taken in possession in the year 1956, still for the first time, representation was made in the year 2020. Petitioners have not produced any material to show that they were owners of the land and the land is taken from their possession without following due procedure as prescribed in law. He, therefore, prays to dismiss the Petition.

6. This Court finds that possession of the land is allegedly taken in the year 1956. What is annexed with the Petition is the copy of will deed executed by father of the Petitioners wherein there is a reference of the land in question. Another document is 7/12 extracts. Except these documents, no any other document is produced on record by Petitioners to show their title over the property. In such circumstances, this Court finds it difficult to accept the case of the Petitioners that the land in question belongs to the Petitioners. Secondly, this Court finds that the Petition suffers from delay and laches. Nothing is shown to condone delay and laches.

7. Considering the above and in view of the ratio laid down by the Hon'ble Supreme Court in case of State of Maharashtra vs.

Digambar, **1995 AIR (SC) 1991**, this Court is not inclined to entertain the Writ Petition. Writ Petition, therefore, stands dismissed. No order as to costs.

(ABASAHEB D. SHINDE)
Judge

(KISHORE C. SANT)
Judge

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