



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1611 OF 2025

1] Suraj S/o Abhay Salunke
Age : 34 years, Occu : - Agril

2] Ashlesha D/o Bhausahab Salunke
Age : 46 years, Occu. : Agril.,
Both R/o. : Bhangapur, Tq. Selu,
Dist. Parbhani

.. Petitioners

Versus

The State of Maharashtra
Through the Secretary, Revenue and Forest
Department, Mantralaya, Mumbai – 32
and Others

.. Respondents

...
Advocate for the petitioners : Mr. Prakashsing B. Patil
AGP for the respondent – State : Ms. D.S. Jape
...

**CORAM : MANGESH S. PATIL &
PRAFULLA S. KHUBALKAR, JJ.**

DATE : 04 FEBRUARY 2025

ORDER (MANGESH S. PATIL, J.) :

Heard learned advocate for the petitioner.

2. Though the petitioner is claiming an innocuous direction to the respondents, to consider his representation dated 19-02-2024 for acquisition of his land gat no. 186. As is evident, for the selfsame reason, they had already preferred writ petition no. 4227 of 2023. It was withdrawn on 13-04-2023, by recording the following minutes :-

“1. On instructions, a prayer is made for withdrawal of the petition.

2. Petition stands disposed off as withdrawn, as the petitioners intend to pursue their claim with the respondents."

3. It is the submission of the learned advocate for the petitioners that pursuant to this, they had preferred a representation on 19-09-2024 (**Exhibit – F**) but no decision has been taken by the respondents on the representation which has compelled them to once again invoke the powers of this Court under Article 226 of the Constitution of India.

4. In our considered view, when the earlier writ petition has been withdrawn; rather abandoned without seeking any leave to file a fresh petition on the same cause of action, the present petition would be barred by Order XIII Rule 1(3) of the Code of Civil Procedure.

5. Independently, since the directions which the petitioners are now soliciting, could have been solicited even in the earlier writ petition but were not solicited, it would be an abuse of process of law, to again approach this Court with the same prayers and solicit a similar order.

6. In the light of above, in our considered view, the extraordinary jurisdiction of this Court under Article 226 of the Constitution, cannot be invoked.

7. The petition is dismissed.

8. Needless to state that the petitioners may pursue the representation preferred by them to the respondents independently.

[PRAFULLA S. KHUBALKAR]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/