



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1917 OF 2025

1. KASHINATH APPASAHEB KALE

2. GORAKH APPASAHEB KALE

VERSUS

THE STATE OF MAHARASHTRA THROUGH
PRINCIPAL SECRETARY AND OTHERS

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Advocate for the Petitioner : Mr. M.R. Malpani h/f. Mr. Tarde Vivek V.
Addl. G.P. for Respondents: Mr. M.M. Nerlikar

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

DATE : 10.02.2025

PER COURT:

Heard the learned advocate for the petitioners and perused
the papers.

2. The petitioners are coming with the following prayers:

“A) Call for record and proceedings of the case;

B) To issue writ of mandamus or any appropriate writ in like nature thereby, to hold and declare that the earlier land acquisition proceedings as per award dated 31/01/1997 in respect of land 0.25R in gut no 75/1/2 to the extent of petitioners land are lapsed as per section 24 (2) of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013, for that purpose issue necessary orders.

C) To issue writ of mandamus or any appropriate writ in like nature thereby directing the respondents to decide representation dated 18/06/2024 as per to drop the 0.25 R

Land of the petitioners out of Gut No.75/1/2 at Village Madewadgaon. Taluka Shrigonda, District- Ahmednagar from Land Acquisition Award dated 31.01.1997 and for that purpose issue necessary orders.

D) Pending hearing and final disposal of this Writ Petition, the respondents may kindly be restrained from interfering the peaceful possession and the name of the petitioners in ownership column of the land gut no 75/1/2 of Madewadgaon, Taluka Shrigonda, District-Ahmednagar and for that purpose issue necessary orders.

E) Grant ad-interim relief in terms of prayer clauses "C" above;"

3. In the light of the prayers, when we asked the learned advocate for the petitioners to demonstrate something to indicate that some process for land acquisition was undertaken under the Land Acquisition Act, 1894, he could not point out anything concrete. On the contrary, he would submit that no such process in the form of notification requisite under Sections 4, 6 and 9 were issued.

4. If such is the state of affairs, one wonders as to how the petitioners can claim a declaration under Section 24 about the land acquisition process which is non-existent as having lapsed.

5. Rather a copy of N.A. order has been annexed, whereby, the petitioner has been granted permission for using the properties as non-agricultural lands.

6. Assuming for the sake of arguments that the petitioners are not in possession of the land in question and it having been utilized for some public purpose, still it would be for the petitioner to resort to the

appropriate remedies as are available to them in law, either for recovering possession or independently for damages.

7. The writ petition is disposed of with liberty to the petitioners to resort to the appropriate remedy.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)

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