



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 9760 OF 2025

Pundlik Baban Maske And Others
VERSUS
The State Of Maharashtra And Others

Mr. T. M. Venjane, Advocate for petitioners
Ms. P. R. Bharaswadkar, AGP for respondent-State

**CORAM : Smt. Vibha Kankanwadi &
Hiten S. Venegavkar, JJ.**

DATE : 07th November, 2025

PER COURT :-

1. Heard learned Advocate for the petitioners. They had prayed for quashing and setting aside the communication dated 02.12.2024 issued by Sub-Divisional Officer/Land Acquisition Officer, Latur and the communication dated 28.01.2024 issued by Collector, Latur. The petitioners are also praying for directing respondent Nos. 1 to 3 to recover the amount from respondent Nos. 4 to 12 and make payment of amount of compensation to the petitioners of the acquired land admeasuring 56 R for the purpose of Latur-Ausa to Latur-Nanded Ring Road as per award dated 13.06.2013.

2. The facts of the case would show that suit for partition has already been filed and the impugned communication states that after award, 7/12 extract was also considered and one more report of the

Executive Engineer was considered. The petitioners have not filed copy of the said report. There are also copies of sale deeds those have been produced showing that after the award of acquisition proceedings had started there are instances of sale. Another aspect is to be noted that the present petitioners had approached this Court by way of Writ Petition No. 12664/2024 and by order dated 22.11.2024 they had withdrawn after seeking leave for exhausting alternate remedy even at the time of they were claiming interest and right in the property acquired and share in the compensation given to one of the legal representative even thereafter, it is stated that right of the petitioner to claim compensation before the appropriate forums are kept open still this writ petition has been filed.

3. Learned Advocate for the petitioners tried to justify the present petition by saying that after the order was passed in the earlier writ petition, the petitioners had made representation to the Sub-Divisional Officer and then to Collector which have turned down their representation when substantial suit appears to have been filed even prior to the earlier writ petition. The only way that was left with the petitioner was to pursue their suit i.e., Special Civil Suit No. 108/2024 pending before the learned Civil Judge Senior Division, Latur. It appears that suit is for declaration of the ownership of the petitioners, declaration

that the sale deeds are illegal, null and void that means the writ petition involves substantially disputed questions of facts for which the constitutional powers under Article 226 of the Constitution of India cannot be invoked.

4. The petitioners have unnecessarily indulged themselves in filing of the writ petition and, therefore, we dismiss the writ petition with imposing cost of Rs. 25,000/- (Rupees Twenty Five Thousand) to be paid to Legal Aid Services Sub-Committee, High Court, Aurangabad within a period of two weeks from today. Failing which it should be recovered as arrears of land revenue.

(Hiten S. Venegavkar, J.)

(Smt. Vibha Kankanwadi, J.)

B. S. Joshi