



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

27 WRIT PETITION NO. 5030 OF 2025

DARBAR LAXMAN JADHAV
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS

.....
Advocate for the Petitioner : Mr. Hiwrekar Sanjay Dattatrya
Addl. GP for Respondents/State : Mr. M.M. Nerlikar
.....

CORAM : MANGESH S. PATIL &
Y.G. KHOBRAGADE, JJ.
DATE : 28.04.2025

PC. :-

1. We have heard the learned advocate for the petitioner.
2. The petitioner has come with following prayers:

“C) Respondent authorities be directed to initiate appropriate proceeding for acquiring remaining 1.14 hector land of petitioner in gat no. 50/1 if it is otherwise required by Govt. by following proper procedure prescribed under law.

OR

D) By issuing appropriate writ, order of directions State Govt. respondents authorities be directed to decide the representations including representation dated 15.01.2025 submitted petitioner for correcting revenue record in respect of land gat no. 50/1 situated at Warkhedi Kh tq. Soigaon Dist Aurangabad within stipulated period.

E) If amount of compensation is deposited by respondents as per Award for acquisition of 1.26 H. land in gat. No.51/1 same be directed to be paid to the petitioner along with interest.

F) The remaining land to the extent of 1.14 H. be directed to be recorded in the name of petitioner in the revenue record (7/12 extract).

G) That, amount of compensation of Rs. 1,33,394/-laying with respondent no.4 as shown in award in respect of acquisition 1.26 R. land be directed to be paid to the petitioner as the same is not received by the petitioner or his father, with accrued interest.”

3. The learned advocate for the petitioner submits that only the remaining portion of his land gut no.50/1 was acquired by following the due process of law wherein he was compensated. However, so far as the remaining 1.14 hectare of land is concerned there is no acquisition. Either the respondent should acquire it or should consider his representation dated 15.01.2025. To buttress his stand he would advert our attention to mutation entry no.1025 effected on 24.09.2017.

4. Having heard the learned advocate for the petitioner, admittedly, 1.14 hectare of the petitioner's land from gut no.50/1 has never been acquired and the land owner independently cannot have writ of mandamus

soliciting a direction to undertake acquisition particularly when there is nothing to show that it has been practically used for the public project.

5. As far as the mutation entry in question, since such a mutation takes place under the provisions of the Maharashtra Land Revenue Code, if the petitioner is aggrieved by the mutation, his remedies are cut out in the form of modalities prescribed under chapter 13 of the MLR code. Mere consideration of the representation though appears innocuous, that has to be within the parameters of the law. Relegating the petitioner to appropriate remedies either before the Civil court or in the form of remedy prescribed under the MLR code, the petition is disposed of.

6. It is made clear that if at all the petitioner claims and alleges that he has not received the entire compensation under the award, liberty is granted to him to prosecute the remedies independently.

[Y.G. KHOBRADE, J.]

[MANGESH S. PATIL, J.]