



Pradnya

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5770 OF 2022

Shivaji s/o Subrao Paikekar and ors. ...Petitioners

Versus

The State of Maharashtra and ors. ...Respondents

Mr S. P. Chavan, i/b. Ms Snehal Jadhav, for the Petitioners.

Mr B. V. Samant, Addl.G.P., a/w Ms Savina R. Crasto, AGP, for
the Respondent-State.

Mr Anand S. Kulkarni, for Respondent Nos.4 to 6.

CORAM **M.S. Sonak &
Jitendra Jain, JJ.**

DATED: **10 January 2025**

PC:-

1. Learned counsel for the Petitioners based on instructions from the Petitioners states that this Petition could now be disposed of by directing the Collector of Solapur (Respondent No.3) to dispose of Petitioners' representation at Exhibit 'N' page 54 of the paper-book dated 6 October 2017 in accordance with law. Learned counsel for the Petitioners states that all title documents in support of the Petitioners' title claim will be placed before the Collector.

2. The Petitioners had instituted this Petition claiming for compensation in respect of the land which is purported to

have been acquired by the Respondents without following the due process of law. This Court, in its order dated 6 December 2024 noted that the claim to ownership was prima facie based on revenue entries in 7/12 extract. This Court, when exercising its extraordinary jurisdiction under Article 226 of the Constitution of India does not go into disputed questions of title etc.

3. In any event, now that the Petitioners want this Petition to be disposed of by directing the Collector to consider the Petitioners' representation, we direct the Collector to dispose of the Petitioners' above referred representation within three months from today after hearing the Petitioners. The Petitioners are at liberty to produce necessary documents before the Collector.

4. If the Petitioners are still aggrieved, it is left to the Petitioners to resort to the ordinary remedies available under the law for redressal. We clarify this because Petitions under Article 226 of the Constitution of India are not the appropriate remedies for deciding disputed title issues and claims based upon disputed title issues.

5. With the above direction, we dispose of this Petition without any cost order.

6. All concerned to act on an authenticated copy of this order.

(Jitendra Jain, J)

(M.S. Sonak, J)