

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10279 OF 2024

Dilip Chandrakant Pawar

...Petitioner

Versus

The Collector of Nashik and ors.

...Respondents

 Mrs. Gauratna Kale i/b Mr.Sachin Dhakephalkar, for Petitioner.

 Ms. M.S. Bane, AGP for Respondent-State.

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.

DATE: 25 September 2025

P.C.

1. This writ petition has been filed under Article 226 of the Constitution of India praying for the following substantive reliefs.

“(a) This Hon'ble Court be pleased to issue writ of mandamus, or a writ, order or direction in the like nature or any other appropriate writ, order or direction to the Respondents especially to the Respondent No.1 i.e. the Collector, Nashik to decide the Petitioner's representation dated 14/02/2023 according to law as per Government Resolution dated 10/10/1973 and as per the Order dated 14/10/1998 passed by this Hon'ble High Court in Writ Petition No. 2029 of 1997 and further to take appropriate decision as early as possible

(b) This Hon'ble Court be pleased to issue writ of mandamus, or a writ, order or direction in the like nature or any other appropriate writ, order or direction to the Respondents especially to the Respondent No.1 i.e. the Collector, Nashik to decide the Petitioner's representation dated 14/02/2023 according to law as per Government Resolution dated 10/10/1973 and as per the Order dated 14/10/1998 passed by this Hon'ble High Court in Writ Petition No. 2029 of 1997 and further to take appropriate decision as early as possible pending, hearing and final disposal of the present Writ Petition.

(c) Ad-interim relief in terms of prayer clause (b) above kindly be granted.

(d) Any other suitable relief to which the Petitioners may be deemed entitled to, be kindly granted in favour of the Petitioner.”

On the earlier occasion i.e. on 11 September 2025, we had passed the following order.

“Stand over to 25 September 2025, to enable the State Government to place on record a reply affidavit including to point out whether the Government Resolution dated 10 October 1973 would still hold the field, in view of the further statutory developments and the Government Policies, more particularly considering the effect of Section 48 of the Land Acquisition Act, 1894.”

2. In pursuance of the aforesaid order, learned AGP has placed on record the compilation of the subsequent developments to point out that the Government Resolution dated 10 October 1973 on the basis of which the prayer in this Petition is recalled and cancelled by the State Government in pursuance of the decision of the Supreme Court in case of **State of Kerala and ors. Vs. M. Bhaskaran Pillai and anr. (1997) 5 Supreme Court Cases 432**. Further in pursuance to the said decision of the Supreme Court, fresh Government Resolution dated 12 May 2004 has been issued thereby declaring that the Government Resolutions dated 10 October 1973 as also 19 August 1974 are not being operational and stand substituted in terms of fresh Government Resolution and which reads thus:

(Translation of a photocopy of a Government Resolution, printed in Marathi)

Land Acquisition Act, 1894.

Regarding disposal of the unutilised acquired non-agricultural land as per the Order dated 05.05.1997 passed by the Hon’ble Supreme Court of India, New Delhi in the matter of Kerala State Government versus M. Bhaskaran Pillai,

GOVERNMENT OF MAHARASHTRA
REVENUE AND FOREST DEPARTMENT
Government Resolution No. LQN 30/2000/M.No.67/A-2,
Mantralaya, Mumbai 400032.
Date : 12th March, 2004.

- READ :-
- 1) Government Resolution No. LQN 3473/H-1 dated 10th October, 1973, issued by the Revenue and Forest Department.
 - 2) Government Resolution No. LQN 3473/H-1 dated 19th August, 1974, issued by the Revenue and Forest Department.
 - 3) Order dated 05.05.1997 passed by the Hon'ble Supreme Court of India, New Delhi in Civil Suit No.3628/1997.
 - 4) Government Letter No. LQN-18/2002/M.No.52/A-2 dated 22.08.2002.

By the Government Resolution Nos. LQN 3473/H-1 dated 10th October, 1973 and 19th August, 1974, issued by the Revenue and Forest Department, the Government has issued Guidelines regarding disposal of those lands which have been acquired for public purposes as per the provisions of the Land Acquisition Act, 1894, but not utilised by the Acquiring Body for the purpose for which the same have been acquired or have remained in excess after utilizing the same for the purpose for which the same have been acquired.

2. As regards the lands that have remained in excess after utilizing the same for the purpose for which the same have been acquired, the Hon'ble Supreme Court of India, in its judgement declared on the date 05.05.1997, in Civil Appeal No.3628/1997, (Special Leave Petition No.2604/1992) in Kerala State Government versus M. Bhaskaran Pillai and others, has given directions that if the land acquired for a public purpose under the provisions of the Land Acquisition Act, 1894 has remained in excess after utilizing the same for public purpose then, the said excess land be used for any other public purpose. However, in case, if the same is not required for any other public purpose then, the said land remained in excess shall be put to public auction only and the amount fetched in such public auction shall be utilised for the most suitable public purposes envisaged in the Directive Principles of Constitution but the same shall not be returned to the erstwhile owner. In view of the above-mentioned decision of the Hon'ble Supreme Court of India, the Government Resolutions dated 10.10.1973 and dated 19.08.1974 have become null and void and infructuous.

3. Pursuant to the above-mentioned directions of the Hon'ble Supreme Court of India, by the Government Letter No. LQN-18 / 2002 / M.No.52/ A-2 dated 22.08.2002, all the Collectors have been informed about the disposal of the lands acquired in the State as per the provisions of the Land Acquisition Act, 1894 but have remained unutilised or remained as excess.

4. Pursuant to the above-mentioned directions of the Hon'ble Supreme Court of India in this regard, the Government hereby issues Order that as per the directions of the Hon'ble Supreme Court of India given on the date 05.05.1997, if such lands which have been acquired however have remained in excess after using the same for the public purposes or have remained unutilised, are not required for any other public purpose then, the Collector concerned shall put such non-agricultural lands or the lands which

have been converted as non-agricultural land, to sell by way of public auction only. Even the erstwhile land-holders can also participate in this auction process. The amount fetched in such public auction shall be utilised for most suitable public purpose envisaged in the Directive Principles of the Constitution. These orders shall remain in force until further orders issued by the Government in this regard.

5. This Order is issued with the concurrence of the Law and Judiciary Department received under its Unofficial Reference No.2002/585/Civil/ Confidential/A dated 8th March, 2004.

By Order and in the name of the Governor of Maharashtra.

(Signature Illegible)
(S. K. Gambre)
Under Secretary,
Revenue and Forest Department

3. In this view of the matter, prayers as made by the Petitioner cannot be granted. If the Petitioner has any other legal rights available, the Petitioner may resort to appropriate remedies. All the rights and contentions of the Petitioner are expressly kept open.

4. The writ petition is disposed of in the above terms. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)