Amol

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7535 OF 2024

Narayan Tukaram Bhujbal (Since Deceased Through Heirs Grand-Son) …Petitioner

Versus

The State of Maharashtra & Ors …Respondents

Mr Rahul S Kadam, *with Mr Vedant Babar, for the Petitioner.*

Mr R S Pawar, **AGP**, *for the Respondent-State.*

CORAM **M.S. Sonak &**
Jitendra Jain, JJ.
DATED: **02 May 2025**

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PC:-

1. Heard learned Counsel for the parties.

2. The Petitioner claims some interest in the property which was acquired vide Land Acquisition Award dated 05 March 1975 under the 1894 Act.

3. Mr Kadam, learned Counsel for the Petitioner, submits that the Petitioner purchased this land vide registered sale-deed on 14 February 1974. However, taking advantage of the fact that no mutation was carried out in the survey records, the erstwhile owner attended the acquisition proceedings and even accepted the compensation amount. He submits that the Petitioner was never aware of the acquisition and came to

know that the acquisition only when the authorities came to dispossess the Petitioner in October 2021.

4. The Petitioner then filed a suit, which was rejected on maintainability. Even the Appeal failed. Hence, this Petition.

5. This Petition has been filed by the grandson of the person who purchased this property in 1974. This purchase was made after the Notification under Section 4 for acquiring this property was published. The learned AGP questions the validity of such a sale deed and, in any event, the locus standi of the Petitioner to challenge the acquisition after 50 years.

6. Mr Kadam states that the Petitioner purchased the property after obtaining permission from the Sub-Divisional Officer. He submits that the State authority should have been aware that the Petitioner was the property owner when making the Award and issued notices to the Petitioner. This having not been done, the Award dated 05 March 1975 now be quashed, and if the Respondents still require the acquired property, they should be directed to initiate fresh acquisition proceedings under the 2013 Act.

7. Mr Pawar, learned AGP submits that this Petition is barred by inordinate delay and laches. He submits that this is a civil dispute between the Petitioner and the erstwhile owner of the property, which cannot be adjudicated in this writ Petition. He points out that the Petitioner has not even bothered to make the erstwhile owner a Respondent to this

Petition. Mr Pawar submits that, admittedly, no mutation was carried out, and therefore, notices were issued to the party whose name the revenue records stood. He pointed out that the factum of acquisition was published in the newspapers. He therefore submits that this Petition is liable to be dismissed.

8. The rival contentions now fall for our determination.

9. The Petition pertains to the Award dated 05 March 1975. The explanation that the Petitioner learned about this acquisition only in 2021 is neither properly pleaded nor believable. Acquisition under the 1894 Act involved the publication of Sections 4 and 6 Notifications in newspapers and at the site. Such Notifications are also published in the Gazette. There is no record of the Petitioner promptly carrying out the mutation. Therefore, the challenge is affected by unreasonable delay and laches. The Petitioner has approached this Court after nearly 50 years to contest the Award made on 05 March 1975. No diligence has been demonstrated.

10. In any event, this is a dispute between the Petitioner and the erstwhile vendor. If the erstwhile vendor has received the compensation, the Petitioner should have taken steps to recover such compensation from the erstwhile owner or pursued other appropriate proceedings against the original owner. There is no legal infirmity in the acquisition itself. The fact that some permission was obtained from the Sub-Divisional Officer does not mean that the SLAO or the acquiring authorities were bound to issue notices to the

Petitioner. The petitioner is simply trying to see if some compensation could be obtained at this belated stage.

11. At this point, no case is made to interfere with the acquisition proceedings or the Award dated 05 March 1975.

12. Accordingly, this Petition is liable to be dismissed and is hereby dismissed without any costs order.

(Jitendra Jain, J) **(M.S. Sonak, J)**