



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION No.6221 OF 2018

1. Bhagwantrao s/o. Dharmaraj Radke,
Aged about 64 years,
Occupation : Agriculturist.
2. Balwantrao s/o. Dharmaraj Radke,
Aged about 53 years,
Occupation : Agriculturist.
3. Kusumtai w/o. Anand Mahajan,
Aged 45 years,
Occupation : Agriculturist.
4. Bebitai Wasudeo Bonde,
Aged – Adult, 44 years,
Occupation : Agriculturist.
5. Archana Ramesh Zoting,
Aged – Adult, 41 years,
Occupation : Agriculturist.
6. Vandana Harish Bhoyar,
Aged – Adult, 42 years,
Occupation : Agriculturist.
7. Rukhamabai Dhanraj Radke,
Aged – Adult, 50 years,
Occupation : Agriculturist.
8. Sandip Rajendra Kolhe,
Aged – Adult, 38 years,
Occupation : Agriculturist.
9. Prashant Rajendra Kolhe,
Aged – Adult, 35 years,
Occupation : Agriculturist.
10. Ashwinkumar s/o. Rajendra Kolhe,
Aged – Adult, 35 years,
Occupation : Agriculturist.

All R/o. Village Ajani,
Taluka Kamptee, Distt. Nagpur. : PETITIONERS

...**VERSUS**...

1. State of Maharashtra,
Through Secretary,
Housing and Special Assistance
Department, Mantralaya, Mumbai-32.
2. The Additional Collector and
Competent Authority (ULCRA),
Nagpur.
3. The Collector,
Nagpur, Civil Lines, Nagpur.
4. The Tahsildar,
Tahsil Office, Kamptee,
Distt. Nagpur. : RESPONDENTS

Shri C.V. Kale, Advocate for Petitioners.
Shri Neeraj Patil, Asstt. Government Pleader for Respondents.

WITH

WRIT PETITION No.6222 OF 2018

Bhagwantrao s/o. Dharmaraj Radke,
Aged about 53 years,
Occupation : Agriculturist,
R/o. Village-Ajani, Kamptee,
Taq. Kamptee, Distt. Nagpur. : PETITIONER

...**VERSUS**...

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Through Secretary,
Housing and Special Assistance
Department, Mantralaya, Mumbai-32.

2. The Additional Collector and
Competent Authority (ULCRA),
Nagpur.

3. The Collector,
Nagpur, Civil Lines, Nagpur.

4. The Tahsildar,
Tahsil Office, Kamptee,
Distt. Nagpur.

: RESPONDENTS

Shri C.V. Kale, Advocate for Petitioner.

Shri Neeraj Patil, Asstt. Government Pleader for Respondents.

AND

WRIT PETITION No.6223 OF 2018

Balwantrao s/o. Dharmaraj Radke,
Aged about 53 years,
Occupation : Agriculturist,
R/o. Village-Ajani, Kamptee,
Taq. Kamptee, Distt. Nagpur.

: PETITIONER

...VERSUS...

1. State of Maharashtra,
Through Secretary,
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Distt. Nagpur.

: RESPONDENTS

Shri C.V. Kale, Advocate for Petitioner.
Shri Neeraj Patil, Asstt. Government Pleader for Respondents.

**Coram : Sunil B. Shukre And
Rohit B. Deo, JJ.**

Date : 6th November , 2019.

ORAL JUDGMENT : (Per : Sunil B. Shukre, J.)

1. Heard. Rule. Rule made returnable forthwith. Heard finally by consent.

2. The reply filed on behalf of respondent Nos.2 and 3 discloses that even though the notice under Section 10(5) of the Urban Land (Ceiling and Regulation) Act, 1976 came to be issued by the Additional Collector, there is no record available showing that the notice was received by the petitioners. The reply further states that there is no record available showing that the possession of the land in question was taken over and handed over to the office of MHADA, Nagpur. These admissions would only suggest that the possession of the land under acquisition is still with the petitioner and that the petitioner never lost the possession. If this is the position, the issue involved in this case will be squarely covered by the view taken by this Court in the case of Mustafa Khan s/o. Kayum Khan and others vs. State of Maharashtra and others and also in the case of Shri Ramkrushna s/

o. Durgaji Shahakar vs. State of Maharashtra and others, Writ Petition No.5851/2018 decided by this Court on 25.4.2019.

3. In view of above, it will have to be said that in view of Section 3 of the Repeal Act, 1999, the acquisition proceedings have abated and we declare such abatement by this judgment.

4. In the circumstances, the petition is allowed.

5. The respondent Nos.2 to 4 are directed to delete the endorsement as sought for in the prayer clause (b) within a period of two weeks from the date of order.

6. Rule accordingly. No costs.

JUDGE

JUDGE

वाडोदे