

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**WRIT PETITION NO.2679/2017**

Prabhudas s/o. Shivram Bhirad and Ors. Vs. State of Maharashtra and Ors.

**WITH**

**WRIT PETITION NO.4357/2017**

Manikappa s/o. Haiappa Molke and Ors. Vs. State of Maharashtra and Ors.

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders

Court's or Judge's orders

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Mr. Anil Mardikar, Sr. Advocate with Ms Vedika Thakare, Advocate  
for Petitioners.

Mr. A. J. Gohokar, A.G.P. for Respondent Nos.1 to 3/State.

**CORAM : NITIN W. SAMBRE AND**  
**MRS.VRUSHALI V. JOSHI, JJ.**

**DATED : 13/02/2025.**

. Heard.

2. We have perused the impugned order dated 24.05.2017 issued by respondent – District Collector, Akola.

3. The release of the petitioners' land from the clutches of acquisition is sought to be released and this Court directed the respondents to take a decision in the aforesaid matter.

4. The impugned order is passed by the Collector refusing the restoration of land, though it is claimed by the petitioners that the same was not put to use for which it was acquired. It is also claimed by the petitioners that the land still remains in possession of the petitioners.

5. While dealing with the claim for release, the respondent – Collector has gone on record to observe that in view of the directions issued by the Hon'ble Apex Court in the matter of *State of Kerala Vs. M. Bhaskaran Pillai and*

*Ors.* reported in *(1997) 5 SCC 432, Civil Appeal No.3628/1997* a direction was issued on 05.05.1997 which prompted the State Government to reconsider its policy dated 10.10.1973.

6. The impugned order though is of 2017, the policy framed by the State Government subsequent to the decision of the Hon'ble Apex Court in the matter of *State of Kerala Vs. M. Bhaskaran Pillai and Ors.* is not placed on record.

7. Though the learned Assistant Government Pleader has claimed that the change in Policy is of 12.03.2004, we are unable to convince ourselves about the same for the reason that the Collector himself has observed that re-framing of the policy pursuant to the aforesaid judgment of the Hon'ble Apex Court is likely to take some time in the matter.

8. That being so, we direct the Collector to file an affidavit disclosing the status of the policy which was to be re-framed, which is referred to in the impugned order after obtaining necessary instructions from the Additional Chief Secretary, Revenue.

9. Let the affidavit be placed on record within a period of four weeks from today.

10. Stand over to 13.03.2025.

11. The interim order, if any, to continue till then.

(MRS. VRUSHALI V. JOSHI, J.) (NITIN W. SAMBRE, J.)