

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3643 OF 2015

Mr.A.A.Desai for the Petitioner
Mr.V.S.Gokhale, AGP for the State

1 Heard the learned counsel for the petitioner. The subject matter of this petition is the land bearing Gat No.248 at Village Dighe, Taluka and District Thane. On the basis of the notification under section 4 of the Land Acquisition Act,1894 dated 11th October 1963, acquisition proceedings in respect of the said land commenced. An Award dated 31st March 1980 was made under section 11 of the Land Acquisition Act,1894 by which the compensation was made payable to one Laxmibai Jagan Koli. The averment made in this petition is that the petitioner purchased the said land from the legal heirs of the said Laxmibai after her demise. The learned counsel for the petitioner candidly states that the petitioner acquired the said land on the basis of an unregistered sale deed. The petitioner is relying upon the applications made from time to time to the Municipal Corporation and various

authorities for claiming TDR.

2 The Apex Court in the case of Meera Sahni Vs. Lt. Governor of Delhi¹ held that the sale transaction made in respect of the acquired land after publication of the notification under section 6 is void and the same does not bind the State Government.

3 In the present case, in fact, in law, there is no lawful sale transaction. It is not disputed that in the year 1982, the market value of the said land was more than Rs.100/- and therefore, the land could have been purchased by the petitioner only by a registered sale deed. Admittedly, the petitioner claims to have been purchased the said land under unregistered sale deed in the year 1982. Even a copy of the said unregistered sale deed is not placed on record. The petitioner claims to have purchased the said land from the legal heirs of the original owner. The legal heirs had no right to sell the acquired land as the Award was made on 31st March 1980. The Award itself records that the possession of the lands under Award has been taken over and handed over to the acquiring body on 13th April 1964. Therefore, vesting of the acquired land was completed on 31st March 1980. Therefore, the petitioner is disentitled to claim any right, title or interest in respect of the acquired land. Even assuming that there is some assurance given by some authorities that the petitioner is entitled to TDR,

1 (2008) 9 SCC 177

in law, the petitioner has no right, title or interest in respect of the land which was acquired in the year 1980. No relief can be granted to the petitioner in this petition under Article 226 of the Constitution of India. Writ Petition is rejected.

(REVATI MOHITE DERE,J.)

(A.S.OKA,J.)