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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5882 OF 2011

Shantabai Chander Koli and Anr.

... Petitioners

Vs.

State of Maharashtra and Ors.

... Respondents

Mr. V.S. Kapse i/by Mr. Sachin P. Shetye, for the Petitioners.

Mr. V.S. Gokhale, AGP, for the Respondent Nos.1 and 2.

**CORAM : A.S. OKA &
A.P. BHANGALE, JJ.**

DATE : 31st MARCH, 2015

PC.

. Heard the learned counsel appearing for the Petitioners. Perused the affidavit of Shri Arvind Ramchandra Jadhav filed on behalf of the third Respondent. On the face of it, there is no material on record to show that the land which is claimed by the Petitioners has been acquired under the Land Acquisition Act, 1894 for the New Bombay Project. In the representation on which the Petitioner is relying upon it is merely stated states that the land claimed by the Petitioners has been used by CIDCO for development work. Even the said representation which is Exhibit-B to the Petition does not state that the land in question has been acquired under the said Act of 1894.

2. If the Petitioners want benefit of the scheme popularly known as 12.5 percent scheme, the Petitioners will have to make an application to the Appropriate Authority along with the necessary material to show that this land was acquired under the provisions of the said Act of 1894 and that they fulfill the terms and conditions of the Scheme. No such representation has been made by the Petitioners. Therefore, we decline to entertain this Petition under Article 226 of the Constitution of India for issuing a writ of mandamus.

3. The Petition is accordingly rejected. However, rejection of the Petition will not preclude the Petitioners from making appropriate representation as indicated above. If such a representation is made, the same shall be decided in accordance with law.

(A.P. BHANGALE, J)

(A.S. OKA, J)