

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

**CIVIL APPLICATION NO. 4455 OF 2013
IN
FIRST APPEAL (ST) No. 31646 of 2013**

City and Industrial Development
Corporation (Maharashtra) Ltd. .. Applicant

V/s.

Rajaram Kanu Thakur (deceased)
Through legal heirs & Ors. .. Respondents

WITH

**CIVIL APPLICATION NO. 4450 OF 2013
IN
FIRST APPEAL (ST) NO. 31650 of 2013**

City and Industrial Development
Corporation (Maharashtra) Ltd. .. Applicant

V/s.

Namdev Joma Thakur And Ors. .. Respondents

WITH

**CIVIL APPLICATION NO. 4633 OF 2013
IN
FIRST APPEAL (ST) NO. 33224 of 2013**

City and Industrial Development
Corporation (Maharashtra) Ltd. .. Applicant

V/s.

Naru Narayan Thakur And Ors. .. Respondents

Mr. G.S. Hegde i/by G.S. Hegde and Associate for applicant.
Mr. Sachin Suryakant Punde for respondent nos. 1-A & 2 in CA
4455/2013, for respondent nos. 1 to 8 in CA 4450/2013

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

DATE : 16TH APRIL, 2015

P.C.

1. Heard the learned counsel appearing for the applicant [City and Industrial Development Corporation of Maharashtra Ltd.] and the learned counsel appearing for the contesting respondents. The contesting respondents are claimants in the reference applications under section 18 for the Land Acquisition Act 1894 (For short 'the said Act of 1984').

2. The applicant has preferred these applications for grant of leave to prefer appeals for challenging the impugned judgments and awards in the reference applications under section 18 of the said Act of 1984 by which enhancement in compensation is granted to the contesting respondents. The acquisition of the lands was for the public purpose of the development of satellite city of Navi Mumbai. The applicant is not a party to the reference applications in which the impugned awards have been made. The applicant has therefore preferred the present applications for grant of leave to prefer appeals.

3. A contention has been raised in these Civil Applications that the applicant is New Town Development Authority for the satellite City of Navi Mumbai appointed under sub-Section 3A of Section 113 of the Maharashtra Regional and Town Planning Act, 1966 (for short 'MRTP Act'). It is contended that the State Government has authorized the applicant to challenge the impugned awards passed by the

Reference Court in the References under section 18 in relation to the lands which are acquired for Navi Mumbai project.

4. The learned counsel appearing for the applicant submits that the Government Resolution dated 12th August 2010 authorizes the applicant to challenge the awards made under section 18 and 28A of the said Act 1894 in relation to acquisition of lands for Navi Mumbai project.

5. In the case of Percival Joseph **Pareira V/s. Special Land Acquisition Officer and Others [(2010)1 MH.L. J. 985]** a learned Single Judge, this Court held that in a reference under section 18 of the said Act of 1894 in relation to the land acquired for Navi Mumbai Project, the applicant is neither a necessary nor a proper party. It was held that the compensation is being paid by the applicant on account of acquisition of lands as an agent of the State Government. The decision of learned Single Judge in the case of Percival Joseph Pareira V/s. Special Land Acquisition Officer and Others (supra) was challenged by the applicant by preferring an appeal before the Division Bench. The Division Bench in paragraphs 18 and 19 of its Judgment [2013(4) MH.L.J. 762] confirmed the view taken by the learned Single Judge. The Government Resolution dated 12th August 2010 relied upon by the learned counsel for the applicant has been considered by the Division Bench. The Division Bench held that the said Government Resolution makes it clear that payment to be made

by the applicant by way of compensation/enhancement of compensation will be on account of the State Government.

5. In view of the law laid down by the Division Bench after considering Government Resolution dated 12th August 2010, we hold that the applicant is not entitled to challenge the impugned judgment and awards as it is liable to pay compensation in terms of the said judgments and awards on behalf of the State Government.

6. The learned counsel appearing for the applicant pointed out that the State Government preferred appeals against the impugned awards and due to the non-payment of the Court Fees, the appeals preferred by the State Government against the impugned judgments and awards have been dismissed.

7. We, accordingly, dismiss the applications. Applicant is entitled to refund of court fees on the memorandum of appeals.

[A.P. BHANGALE, J.]

[ABHAY S. OKA, J.]