

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

rpa

**WRIT PETITION NO.2418 OF 2014
WITH
CIVIL APPLICATION NO.888 OF 2015**

Dattatraya G. Davare .. Petitioner
Vs.
The State of Maharashtra & Ors. .. Respondents

....
Mr.Vikas B. Shivarkar, Advocate for the Petitioner and Applicant.
Mr.N.P. Deshpande, AGP for Respondent Nos.1 to 3, 7 and 8.
Mr.Minoo Siodia and Raksha Thakkar i/b. M/s.Rustonji & Ginwala,
Advocate for the Respondent No.9.

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

DATED : APRIL 1, 2015.

P.C. :

Heard the learned counsel appearing for the petitioner and the learned AGP for the respondent – State of Maharashtra. The petition is based on apprehension that the land allegedly held by the petitioner will be acquired by the Maharashtra Industrial Development Corporation under the provisions of the Maharashtra Industrial Development Act, 1961 (hereinafter referred to as “the said Act”, for short). The notification dated 28th September, 2007 on which the apprehension is based is merely a notification under Sub-section (1) of Section 3 of the said Act of 1961. Acquisition proceedings can be commenced only by a notification under Sub-section (1) of Section 32 of the said Act of 1961. Sub-section (2) of

Section 32 of the said Act provides that before issuing a notification, the State Government is required to hear the owner of the property.

2 Hence, at this stage, it is not necessary to entertain this Petition. If any steps are taken in terms of Section 32 of the said Act of 1961, the petitioner can always file a fresh petition.

3 Subject to what is observed above, the petition is disposed of.

4 Civil Application No.888 of 2015 is disposed of.

5 All contentions on merit are kept open.

(A.P. BHANGALE, J.)

(A.S. OKA, J.)