

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 273 OF 2016
IN
WRIT PETITION NO. 6363 OF 2012

State of Maharashtra and others. ... Applicants.
V/s.
Nikhil Uday Kajale and others. ... Respondents.

WITH
CIVIL APPLICATION NO. 274 OF 2016
IN
WRIT PETITION NO. 6240 OF 2012

State of Maharashtra and others. ... Applicants.
V/s.
Smt.Rajani Ratilal Sarnot. ... Respondents.

WITH
CIVIL APPLICATION NO. 275 OF 2016
IN
WRIT PETITION NO. 6006 OF 2012

State of Maharashtra and others. ... Applicants.
V/s.
Dr.Pramod Mitharam Bhangale. ... Respondents.

Nitin P. Deshpande, AGP for the applicants.
P.K.Hushing for the respondents/original petitioners.

CORAM : A.S. OKA AND C.V.BHADANG, JJ

DATED : 12th February 2016.

PC. :

Heard the learned AGP for the applicants and the learned counsel appearing for the respondents i.e. original petitioners. Perused the judgment and order dated 3rd August 2015 by which the writ petitions filed by the respondents was allowed. The time was granted till 31st January 2016 to the applicants to place the respondents in possession of the lands, which are the subject matters of the writ petitions. The present applications are filed for grant of extension of time till 31st January 2017.

2. We have perused the averments made in the applications. The averments suggest that the applicants want extension of time as they are deliberating on the question of filing application for review of the judgment and order dated 3rd August 2015. The period for filing a review application is already over. Even as of today, the review application has not been filed by the applicants. Long after expiry of limitation provided for making an application for review, time granted under the judgment and order to hand over the possession of the lands to the respondents cannot be extended on the ground that the applicants are deliberating on the question of filing review application. Therefore, in normal course, this Court would not have granted extension. However, today, the learned AGP appearing for the applicants has placed on record a copy of the letter dated 28th September 2015 addressed to the Deputy Collector, Special Land Acquisition No.3, Pune on behalf of the State Reserve Police Force. A request has been made to the Deputy Collector to start the acquisition in terms of the judgment and order of the High Court. A copy of the said letter is taken on record and marked "X-1" for identification.

Only because the State Reserve Police Force has applied to the Deputy Collector as stated above, we are inclined to grant a reasonable extension by way of last chance.

3. The learned counsel appearing for the respondents submits that these applications are not bonafide. He submits that after the respondents made a representation for the implementation of the judgment and order passed in the writ petitions and after the Deputy Collector (Requisition Branch), Pune addressed a letter to the Deputy Collector (Land Acquisition) No.3 that the present applications have been filed.

4. We are inclined to grant extension of time to deliver the possession till 30th September 2016 in view of the proposal for acquisition already moved by the State Reserve Police Force.

5. Accordingly, for the reasons recorded above, we pass the following order:

ORDER

(i) The time granted to the applicants to deliver the possession of the lands, which are the subject matters of the writ petitions, to the respondents is extended till 30th September 2016;

(ii) We make it clear that no further time will be granted even on the ground that the acquisition proceedings are not commenced or are not completed;

(iii) All the applications are disposed of in the above terms.

(C.V. BHADANG, J)

(A.S.OKA, J)