

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 1434 OF 2015

Shetty Motors Stores	}	Petitioner
versus		
Union of India and Anr.	}	Respondents

Mr. Vishal Kanade with Ms. Manisha Virkhare i/b. M/s. Divya Shah and Associates for the petitioner.

Ms. J. N. Pandhi for respondent no. 1.

Mr. Chetan Agarwal for respondent no. 2.

**CORAM :- S. C. DHARMADHIKARI &
B. P. COLABAWALLA, JJ.**

DATED :- OCTOBER 21, 2016

P.C. :-

1. Mr. Agarwal appearing for respondent no. 2/acquiring body has produced before us the requisite record. We take the copy of this entire record and mark it as 'X' for identification.

2. Upon perusal of the same, we are satisfied that the land, in which the petitioner claims to be interested, situate at village Mogra, Taluka Andheri, Mumbai Suburban District bearing Survey no. 23-A (part) admeasuring 96.70 square meters, has been acquired and vested in the State. Now, the compensation in terms of the award has already been deposited in the court. The

petitioner will have to pursue such legal proceedings as are permissible in law, in the event it seeks share in the compensation or the amount deposited in the court. Additionally, if it has any other remedies so as to claim enhancement therein, it can resort to them, if permissible in law. However, the writ petition cannot be kept pending at the instance of the present petitioner, once the right, title and interest in the land is lost by virtue of the acquisition and the vesting of the land in the State. All contentions with regard to the right, title and interest in the land the petitioner claims are kept open for being raised in appropriate proceedings and we clarify that we have not concluded the issue in that regard.

3. With the aforesaid clarification, the writ petition is disposed of. The ad-interim order is vacated forthwith.

(B.P.COLABAWALLA, J.) (S.C.DHARMADHIKARI, J.)