

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE**

**CHAMBER SUMMONS NO.1278 OF 2016
IN
LAND ACQUISITION REFERENCE NO.11 OF 1990
WITH
LAND ACQUISITION REFERENCE NO.11 OF 1990**

Smt. Shamsida wd/o. Mohd. Iqbal
Abdul Hamid

.. Applicant
(Org.Claimant)

In the matter of :

Special Land Acquisition Officer (4)
Mumbai Suburban District

.. Acquiring Body

Versus

Smt. Shamsida wd/o. Mohd. Iqbal
Abdul Hamid
1(a) Imran Mohd. Iqbal Abdul Hamid
And Others

.. Claimants.

.....

Mr. Pradeep Kadam i/b VN. Kamble for Claimant No.1(a) to 1(d).
Mr. S.R. Rajguru a/w M/s Purnima Awasthi for the Acquiring Body.

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CORAM : S.C.GUPTE, J.

DATE : 15 JULY 2016.

P.C. :

. Heard learned Counsel for the parties.

2 By this chamber summons, the Applicants, who are original claimants, seek to amend their claim as per the Schedule annexed to the affidavit in support of chamber summons.

3 It is the case of the claimants that the acquiring body has not

acquired 1360 square meters of land from out of the total land admeasuring 12925 square meters belonging to the claimants. It is submitted that the applicants-claimants are entitled to move this amendment on the footing that under Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, this portion of land admesuring 1360 square meters is deemed to be not acquired, as no compensation for the same has been paid.

4 Mr. Rajguru, learned Counsel for the acquiring body opposes the chamber summons on the ground that evidence in LAR has been fully recorded and the LAR is ripe for hearing and that it would not be permissible to widen the scope of the LAR at this stage. Learned Counsel for the applicants-claimants submits that the matter sought to be introduced by way of the proposed amendment, is merely a matter of law and does not call for leading of any fresh or new evidence. He submits that he shall not apply for leading any further evidence in the LAR based on the amendment. The statement is accepted. In that case, it is in the interest of justice that the amendment is permitted, by keeping all contentions of the parties on merits of the amendment open, to be decided at the hearing of the LAR.

5 Chamber Summons is accordingly allowed. The amendment shall be carried out within two weeks from today. A copy of the amended claim shall be handed over to the Advocate of the acquiring body. LAR to come up for hearing on 12 August 2016 at 03.00 p.m.

(S.C.GUPTE, J.)