

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

PUBLIC INTEREST LITIGATION NO. 83 OF 2015

Lawrence Chettiar

... Petitioner.

V/s.

Government of Maharashtra & Ors.

... Respondents.

Mr. Shailendra Singh i/by J. P. Consultia for the Petitioner.

Mr.G.W. Mattos, AGP for the State/Respondent Nos.1,2,7 & 8.

Mr. D. P. Singh a/w. Mr. Aditya Thakkar, for Respondent Nos.
10 and 11.

Ms. Tripti Puranik, Advocate for the -BMC.

**CORAM : V. M. KANADE AND
MRS.SWAPNA JOSHI,JJ.**

DATE : 22nd AUGUST, 2016

P.C. :

1 Heard learned counsel appearing for the Petitioner,
learned counsel appearing for the Corporation and learned
AGP for the State.

2 Learned AGP on behalf of the State Government
has invited our attention to the affidavit-in-reply filed by the
Sub-Divisional Officer. He submitted that on 05.03.2015 an
Award under section 11 of the Land Acquisition Act, 1894 has

been passed by the Collector/LAO. He submitted that from the record it is abundantly clear that the property in question was not a lake after 1976-77. It is submitted that the Award has been passed for the purpose of acquiring this property and for reserving it as recreation ground on behalf of the Bombay Municipal Corporation. In view of this Award, the grievance of the Petitioner does not survive. It is the case of the Petitioner that there was a flat on the said area of land and the petitioner was seeking permission/direction to restore the said flat. In our view such a relief cannot be granted in view of the Award which has been passed by the Land Acquisition Officer dated 5th March, 2015. It is, therefore, not possible to grant the reliefs claimed by the Petitioner in this PIL.

3 The Petition is therefore, dismissed.

(MRS.SWAPNA JOSHI,J.)

(V. M. KANADE,J.)

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