

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2732 OF 2014

Raju Mangilal Jain. ... Petitioner.
V/s.
The State of Maharashtra and others. ... Respondents.

Chintan Shah i/b. Sandesh Patil for the petitioner.
A.B.Vagyani, Govt.Pleaser with Ms.S.S.Bhende, AGP and
PG.Sawant, AGP for the State.
Dr.Poornima Advani i/b. M/s.The Law Point for respondent No.3.

**CORAM : DR.MANJULA CHELLUR, C.J.
AND N.M. JAMDAR, J.**

DATE : 17th July 2017.

P.C. :

The petitioner is before this Court contending that though 7/12 extract so far as Gat No.484 admeasuring 1.4 Gunthas situated at village- Koparkhairane in the district of Thane is the land acquired for respondent No.3- CIDCO, the boundaries of the land acquired and meant for CIDCO are not clear and, therefore, the petitioner is not in a position to identify as to which portion out of total land of 3 Gunthas is acquired and which portion is not

acquired. Admittedly, CIDCO is not able to place on record the boundaries of the land which they have acquired. According to learned counsel appearing for respondent No.3- CIDCO, even in the year 1984 when the land was proposed to be acquired, they only requested the State Government to acquire the land for the benefit of respondent No.3. We fail to understand above submission. However, according to learned Government Advocate, as on today, the entire area is occupied by unauthorized persons and is not declared as slum. Therefore, they are not in a position to do anything on this land including identification of 1.4 Gunthas of land said to have been acquired for the purpose of respondent No.3- CIDCO.

2. We do not know, when the land came to be notified for acquisition whether it was occupied by unauthorized occupants or not. But as on today the said land is occupied by the unauthorized occupants. The petitioner is asking this Court to intervene only to direct the respondent- authorities to identify the land acquired by them so that he can take control of the balance of the land which is not acquired. Whether it is done by the respondent- State through its different machineries or whether the CIDCO does it, the petitioner need not know. The fact remains that at the instance of CIDCO, the Government machineries came into action and acquired the land. It is for them to see that which portion of 1.4 Gunthas out of total

area of 3 Gunthas is acquired and which portion is not acquired. The mechanism to work out this is in the hands of the State and the other authorities. Even if it is physically not possible for the authorities to do so, they must be able to know it with modern technology and they can very well identify the same on paper i.e. which portion of the land falls which is already acquired by them.

3. Accordingly, we direct the respondent- authorities to demarcate the portion of land acquired so far as the petitioner's land is concerned and intimate the same to the petitioner as expeditiously as possible but not later than six months from today.

4. With the aforesaid directions, the petition is disposed of.

(N.M. JAMDAR, J.)

CHIEF JUSTICE