

vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION (STAMP) NO.30984 OF 2016

Abhijeet S. Patil

...Petitioner

V/s.

The Special Land Acquisition Officer,

Metro Centre, Uran & Ors.

...Respondents

Mr.Abhijeet Patil for Petitioner in person.

Mr.A.B. Vagyani, G.P. With Mr.P.G. Sawant, A.G.P.,
Ms.Geetanjali Golatkar, A.A.G.P. and Mr.Rohan Sawant,
A.A.G.P. for Respondent – State.

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

DATE : 6TH OCTOBER, 2017

P.C. :-

1. The petitioner is before this Court mainly aggrieved by the procedure adopted by the respondent – Collector, district Raigad, especially in the village of Jasai in Uran taluka. According to the petitioner, there was acquisition of some lands from the above said village by a notification dated 2nd July, 2009 under section 4 of the Land Acquisition Act (“the Act” for short) followed by final notification and then award. The declaration under section 6 of the Act is stated to be dated 20th December, 2012. Therefore, by operation of law in terms of the provisions of

section 11-A of the Act, the proceedings lapses for not passing the award within the prescribed time. According to the petitioner, Writ Petition No.4274 of 2014 before Aurangabad Bench of Bombay High Court came to be disposed of, wherein additional time for drawing up award was granted and, according to the petitioner, by placing reliance on the judgment of the Aurangabad Bench, the concerned Collector after interpreting the said judgment proceeded to pass the awards. According to the petitioner, the said judgment ought not to have been relied upon by the concerned Collector so far as determining the awards pertaining to Jasai village in Uran Taluka, Raigad district so far as the lands belonging to this village.

2. In reply to the petition, the State has taken a preliminary objection of *locusstandi* of the petitioner in filing public interest litigation since the cause raised in the public interest litigation is the cause of each owner of the land and further each case on this aspect has to be verified and adjudicated upon with reference to the facts of each case.

3. We are informed that there is substantial development and it is not as if the land owners are not aware of the existence of the legal system at all. Even otherwise, if the petitioner is interested in taking cause of the villagers of Jasai, he can verify amongst the land owners how their rights should be protected and how they should challenge the awards passed. Instead he has taken the cause of group of individuals, who are the land

owners, whose lands have been acquired for the purpose of formation of sea link. We are at loss to understand how this kind of public interest litigation can be entertained in the absence of parameters to entertain a public interest litigation is complied with. Jasai village being part of Uran taluka, we fail to understand why the owners are not interested to approach the Court challenging the awards. We do not even know why the owners are not interested in challenging the awards. Even if they are not interested to challenge the award, it cannot be a public interest litigation. It has to be a private individual litigation to be fought by each of the owners and the same has to be adjudicated upon in the facts and circumstances of each case. Even if the grievances of the petitioner were to be that he is aggrieved by interpretation wrongly given by the Collector concerned, it is for the land owners whether to challenge the award passed by the Collector or even challenge the judgment by contending that it is not in the light of statutory provisions under the Land Acquisition Act or settled law.

4. We brought to the notice of the petitioner that the cause raised by him cannot be treated as a public interest litigation and he has to bear the implication and cost if we are not inclined to treat the matter as a public interest litigation, the petitioner, who is arguing in person, submitted that the Court can pass orders on merits. Therefore, we have undertaken the exercise of disposing of the matter on merits.

5. We dismiss the public interest litigation by imposing costs of Rs.1,00,000/- to be paid by the petitioner within four weeks from today to the Maharashtra State Legal Services Authority. If it is not deposited within a month, the same shall be collected by way of land revenue by the concerned authority.

(N.M. JAMDAR, J.)

(CHIEF JUSTICE)