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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 2625 OF 2017
IN
WRIT PETITION NO. 12259 OF 2016**

Balasaheb Bhiku Kalokhe & Ors ... Petitioner
Versus

Secretary to the Govt. Urban Development ... Respondents
and Public Health Dept. Mantralaya, Mumbai
& Ors.

Mr. N.V. Vechalekar, i/b N.V. Vechalekar & Co. for the Applicant /
Petitioner.
Mr. Vikas Mali, AGP for the State.

**CORAM: SMT. VASANTI A NAIK AND
MR. RIYAZ I. CHAGLA, JJ.**
DATED: 6TH DECEMBER 2017

PC:-

Heard. Perused the proposed amendment. The proposed amendment does not change the nature of the petition as in prayer clause (e), the petitioner has sought a direction against the respondent, not to acquire the lands of the petitioner without following the due process of law. By the proposed amendment, the petitioner seeks to challenge the action on the part of the respondent of acquiring the land by agreement though it would be necessary for the respondent to acquire the same under the Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The prayer made in

the application is granted. The petitioner is permitted to amend the writ petition. The amendment to be carried out within two weeks.

Civil Application stands disposed of accordingly.

(RIYAZ I. CHAGLA J.)

(SMT. VASANTI A. NAIK, J.)