

## IN THE HIGH COURT OF JUDICATURE AT BOMBAY

## CIVIL APPELLATE JURISDICTION

**Writ Petition NO. 11257 OF 2012**

Rajiv L. Sangtani And Ors ...Petitioners

*Versus*The Pune Municipal Corporation, Through  
Commissioner And Ors ...Respondents

---

*Mr.S.R.Ganbavale with Mr.Sangramsinh Yadav, for the Petitioners.**Mr.N.P.deshpande, Addl.G.P. for the State.**Mr.A.P.Kulkarni, for the Corporation*

----

**CORAM : DR. MANJULA CHELLUR, C. J., &  
G.S.KULKARNI, J.****DATE : MARCH 14, 2017**

---

**P. C.**

1. Initially the Writ Petition came to be filed challenging the notification dated 13 September 2012 under Section 6 of the Land Acquisition Act, 1894, on the ground that from the date of preliminary notification issued under Section 4(1) of the 1894 Act, Section 6 notification was not done within one year. Subsequently, certain amendments are made to the Writ Petition. However, they may not have much relevance so far as the present petition is concerned. During the pendency of the petition itself,

an Award came to be passed on 22 December 2014 wherein the compensation was determined at Rs.71 crores and odd. This came to be challenged in Writ Petition No.4858 of 2015 by the Respondent-Corporation. According to the petitioners, there must be clarity with regard to the acquisition of the land and the only determination has to be with regard to the quantum of compensation that has to be paid to the petitioners. According to the learned Counsel for the Respondent-Corporation, the determination of compensation is to be made apparently under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and the method of calculation in arriving at the calculation is wrongly adopted by the Special Land Acquisition Officer. Therefore, according to them, the compensation of amount of Rs.18 crores and odd admitted by the Corporation was already deposited with the State which was already paid to the Petitioners. These are all admitted facts.

2. In the light of the Respondent-Corporation admitting that the market price has to be taken in terms of 2013 Act since

the Award came to be passed after 1 January 2014, we are of the opinion that we need not go into the issue raised in the present Writ Petition 'whether Section 6(1) notification is correct or not'. The only determination seems to be quantum of compensation as challenged in the Writ Petition No.4858 of 2015 and not the initiation of acquisition and other consequential end in terms of the enactment which has reached finality.

3. Accordingly, the Writ Petition is disposed of opining that so far as the acquisition proceedings are concerned, they have become final and the only remaining determination would be with regard to the method of calculation in arriving at the quantum of compensation, which shall be determined in Writ Petition No. 4858 of 2015.

4. So far as the prayers in Civil Application No.1512 of 2016, we are of the opinion that the same cannot be entertained since it needs to be adjudicated upon altogether before a different forum having jurisdiction to entertain the Income Tax matters.

**(G.S.KULKARNI, J.)**

**(CHIEF JUSTICE)**