

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
REVIEW PETITION NO.48 OF 2016
IN
WRIT PETITION NO.281 OF 2015

Vincent Bernard Gonsalves Petitioner
Vs.
State of Maharashtra & Others Respondents

Mr. Mihir Desai, Senior Counsel with Mr. Vedchetan
Patil for the Petitioner.

Ms Geeta Shastri, Addl. GP, for Respondent Nos.1, 3
& 4.

Mr. H.C. Pimple for Respondent Nos.2 & 6.

**CORAM: S.C. DHARMADHIKARI &
B.P. COLABAWALLA, JJ.**

DATE : OCTOBER 06, 2017

P.C:

1. Having heard Mr. Desai, learned Senior Counsel appearing for the petitioner, at some length, we find that the writ petition has been dismissed by this Court on the point of delay and laches.

2. It is no good now to argue that there was individual notice lacking and that is why the petitioner cannot be faulted for approaching this Court belatedly. This was, therefore, a valid and reasonable explanation for the delay and which has been missed out while passing the order under review. We do not think that is the correct understanding of the order under review, for everybody knows that the proceedings for acquisition of land and initiated under the Land Acquisition Laws or the powers derived under various other statutes for acquiring private lands that notices have to be issued by publication in local newspapers/dailies or by publishing a Notification or intention to acquire in the Government Gazette. Once these are the modes of notifying the acquisition, then, to now urge that individual notice was not issued would mean we must revisit our factual conclusion that the petitioner had knowledge of the proceedings and still did not approach this Court in a reasonable time. We cannot now undertake such an exercise and arrive at a different conclusion. That would be a mockery of the review

jurisdiction. In the circumstances, there is no merit in the review petition. It is dismissed.

(B.P. COLABAWALLA, J.)

(S.C. DHARMADHIKARI, J.)