

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11904 OF 2018

Tata Communications Limited

...Petitioner

V/s.

District Collector, Pune and Ors.

...Respondents

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Mr. Pradeep Sancheti, Senior Advocate with Mr. Siddharth Ranade a/w. Mr. Vividh Tandan I/by. Trilegal, for the petitioner.

Mr. Y.S. Khochare, AGP for respondent no.1.

Mr. R.S. Apte, Senior Advocate with Ms. Anamika Malhotra, Advocate for respondents no.2 to 4.

Coram : A.S. Oka, &

Sandeep K. Shinde, JJ.

Wednesday, 12th December, 2018.

P.C. :

1. Learned Senior Counsel appearing for the petitioner, on instructions, states that the petitioner is pressing relief of grant of compensation in terms of prayer clause (ii) which is the prayer made in the alternative. He

invited our attention to various representations made from time to time and the representation dated 23rd October, 2017 (Exhibit-HH). We have perused the said representation. The basic contention is that, though the petitioner is the owner of the subject land, the Collector transferred the said land in favour of Ministry of Defence without payment of compensation to the petitioner. Therefore, a prayer is made for grant of market value together with interest.

2. In view of the aforesaid submission, we dispose of the petition by passing the final order.

(i) We direct the Collector of District - Pune to decide the representation dated 23rd October, 2017 (Exhibit-HH) in accordance with law, as expeditiously as possible, and in any event, within a period of 3 months from the date on which an authenticated copy of this order is produced in his office;

(ii) The Collector while deciding the representation shall consider the averments made in this petition, as well as the documents annexed to this petition. In the event, the Collector has any doubt about the title claimed by the petitioner in respect of the said land, before deciding the representation, the Collector shall give an opportunity of

being heard to the petitioner;

(iii) Needless to add that, if the Collector comes to the conclusion that the petitioner is entitled to compensation, immediate steps shall be taken for payment of compensation to the petitioner;

(iv) The petition is disposed of in above terms.

(SANDEEP K. SHINDE, J)

(A.S. OKA, J)