

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

**CIVIL APPLICATION NO.116 OF 2018
IN
REVIEW PETITION NO.3383 OF 2018**

**WITH
REVIEW PETITION NO.3383 OF 2018
IN
WRIT PETITION NO.13512 OF 2016**

Rajendra Uttam Narawade & Anr. Applicants

versus

Sopan Maruti Umap & Ors. ... Respondents

.....

- Mr. Y.B. Lengare, Advocate for the Applicants/Original Petitioners.

**CORAM : R. M. SAVANT &
SARANG V. KOTWAL, JJ.
DATE : 02nd MAY, 2018.**

P.C. :

1. By the above Review Petition, review is sought of the Judgment and Order dated 03/10/2017 passed by a Division Bench of this Court comprising of Dr.Manjula Chellur, the Hon'ble the Chief Justice (as Her Ladyship then was) and N.M. Jamdar, J. By the said Judgment and Order, the acquisition

proceedings which were a subject matter of the above Writ Petition No.13512/16 were held to be lapsed in respect of the lands in question by virtue of section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'Act of 2013').

2. Review is sought in view of the judgments of the Apex Court in *Pune Municipal Corporation & Anr. Vs. Harakchand Misrimal Solanki and others*, reported in AIR 2016 SC 4275 and *Delhi Development Authority Vs. Sukhbir Singh and Ors.* reported in 2014 (4) Mh.L.J. 566, as also the judgment of the Apex Court in *Antevorta Developers Private Limited Vs. Private The Principal Secretary to the Government of Maharashtra being Civil Appeal No.8593/17*. The learned Counsel relied upon the judgment of the *Indore Development Authority Vs. Shailendra (dead) through LRs and Ors.* reported in 2018 SCC online SC 100.

3. The three-Judge Bench of the Apex Court thereafter in *SLP (C) CC No.8453/17 State of Haryana Vs. G.D. Goenka*, expressed a view that having regard to what was held in Indore Development Authority it would have to be considered whether a reference is required to be made to a larger Bench. The three-Judge Bench of the Apex Court further observed that the High Courts be requested not to deal with any cases relating to the interpretation of or concerning section 24 of the Act of 2013. The said order was directed to be communicated to the Registrar Generals of every High Court.

4. The three-Judge Bench also observed that the concerned Benches of the Apex Court dealing with similar matters, would defer the hearing until the decision is rendered one way or the other on the issue whether the matter should be referred to a larger Bench or not. It is having regard to the orders passed by the various Benches of the Apex Court having different strengths that the Hon'ble the Chief Justice of India, deemed it appropriate to constitute a Constitution Bench to deal

with all the issues in an apposite manner, that is how the matter was placed before the Constitution Bench. The Constitution Bench has in its order dated 06/03/2018 has directed that the said matters involving the interpretation of Section 24 of the Act of 2013, be listed after the conclusion of hearing in Writ Petition No.76/16.

5. The order passed by the Constitution Bench dated 06/03/2018 has been submitted for our perusal. In the said order the orders passed by the three-Judge Bench in *Indore Development Authority Vs. Shailendra (dead) through LRs and Ors. reported in 2018 SCC online SC 100, State of Haryana Vs. G.D. Goenka*, and two-Judge Bench orders passed in *Indore Development Authority and Etc. & Anr. Vs. Shyam Verma and Ors. Etc. & Ors., in SLP (C) No.9798/16* and *State of Haryana Vs. Maharana Pratap Charitable Trust (Regd.) & Anr. in C.A. No.4835/15*, have been referred to by the Constitution Bench.

6. As indicated above, the Petitioner is seeking the review of the Judgment and Order dated 03/10/2017 passed by a Division Bench of this Court. A review of the said order would entail an interpretation of Section 24 of the Act of 2013 and the Judgments of the Apex Court, in that regard, would have to be considered. In view of the fact that the issue has now been referred to a larger Bench as a consequence of which, a Constitution Bench has been constituted to deal with the said issue and having regard to the observations of the three-Judge Bench in the *State of Haryana Vs. G.D. Goenka*, (supra), we restrain ourselves from passing any order in the above Review Petition, until the issue is decided by the Constitution Bench. We therefore cannot accede to the request of the learned Counsel for the Review Petitioner for making any pro-tem arrangement, pending the consideration of the above Review Petition. We accordingly adjourn the matter sine-die with liberty to the Petitioner to apply in the event the decision of the Constitution Bench becomes available.

(SARANG V. KOTWAL, J.)

(R. M. SAVANT, J.)