

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.3038 OF 2018

Haresh V. Chauhan & Ors.	...	Petitioners
V/S		
State of Maharashtra & Ors.		Respondents

...

Mr. Rajiv N. Narula a/w Mr. Arthav Sanghvi i/b M/s. Jhangiani, Narula & Associates for the Petitioners.

Ms. Geeta Shastri, Additional G.P. for Respondent Nos.1 to 3, 9 and 10/State.

Mr. Ravi Kadam, Senior Advocate with Mr. Parimal K. Shroff i/b Mr. Shreyas Vyas, Pandurang Khavanekar for Respondent No.11.

Mr. Abhishekh Walmaikar a/w Mr. Ayesha Shaikh for Respondent Nos.12 to 20.

Mr. P.G. Lad a/w Mr. Sagar Patil for Respondent Nos.4 and 5/MCGM.

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**CORAM : A.A. SAYED &
SANDEEP K. SHINDE, JJ.**
DATE : 23 OCTOBER 2018

ORDER:

1 The subject matter of the Petition is land bearing Survey No.110, Hissa No.3, CTS No.2937 (Part) of village Dahisar, Taluka Borivali, MSD, admeasuring 837.50 sq.mts.

2 An Affidavit-in-Reply dated 12 September 2018 has been filed by Deputy Collector (Land Acquisition) No.4, Bandra (East), Mumbai. In paragraphs 11 and 12 of the Affidavit-in-Reply it is stated as follows:

“11. I say that land claimed by Petitioner being Survey No.110/3 admeasuring 837.50 sq.mtr. of CTS No.2937, Borivali Dahisar is not acquired as per the award.

12. I say that the land which is acquired does not include the land of the Petitioner. I therefore say that petition deserves to be dismissed with costs.”

3 In view of the above, it being an admitted position that the subject land has not been acquired, we accept the statements made by Dr. Santosh Thite, Deputy Collector (Land Acquisition) No.4, MSD, in his Affidavit-in-Reply and dispose of the Petition.

4 It is made clear that the Respondents Authorities shall not be entitled to take possession of the subject land in view of the admitted position that the subject land is not acquired.

5. We clarify that we have not gone into the issue of title of the subject land or the interse disputes between the Petitioner and Respondent Nos.12 to 20.

6 The Petition to stand disposed of.

(SANDEEP K. SHINDE, J.)

(A.A. SAYED, J.)