

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.137 OF 2015
IN
PUBLIC INTEREST LITIGATION NO.143 OF 2006

Akhil Bharatiya Grahak Panchayat
 & 3 Ors.

..

Petitioners

Vs.

Union of India & 4 Ors.

..

Respondents

And

Khed Economic Infrastructure
 Private Limited

..

Applicants

ALONG WITH
PUBLIC INTEREST LITIGATION NO.143 OF 2006

Akhil Bharatiya Grahak Panchayat
 & 3 Ors.

..

Petitioners

Vs.

Union of India & 4 Ors.

..

Respondents

ALONG WITH
PUBLIC INTEREST LITIGATION NO.74 OF 2007

Meghanath Nathuram Patil
 & Ors.

..

Petitioners

Vs.

The Development Commissioner
 (Industries) & Ors.

..

Respondents

...

Mr. S. Shukla i/b DSK Legal for the Applicants in Civil Application No.137 of 2015.

Mr. Ranjit Shinde i/b Mr. S.B. Deshmukh for the Petitioners in PIL No.143 of 2006.

Mr. G.R. Sharma with Mr. S.R. Rajguru, Mr. N.R. Prajapati and Mr. D.P. Singh for Respondent No.1 – Union of India in both the PILs.

Mr. P. Lokegaonkar i/b Little & Co. for Respondent No.6 in PIL No.143 of 2006.

None for the Petitioners in PIL No.74 of 2007.

Mr. Kunal Kumbhat i/b Ms. Sunanda Kumbhat for Respondent Nos.5 and 6 in PIL No.74 of 2007.

**CORAM: PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.**

DATED : 21st AUGUST, 2019.

P.C:-

1. The Petitioners are aggrieved by the proposed acquisition of the land.
2. Order dated 12th January, 2015 passed in Public Interest Litigation No.74 of 2007 reads as under:

“1. Perused the affidavit of Shri Surendra Jiban Dash on behalf of 12th Respondent which is dated 6th

January, 2015. We have also perused the letter dated 1st June, 2007 addressed by the Commerce Secretary of Government of India which is annexed as Exhibit-A to the said affidavit. We have perused paragraph 4, 5 and 9 of the said affidavit. From the said paragraphs and from the said letter dated 1st June, 2007, it appears that acquisition proceedings have been completed and the awards have been made only in relation to the lands of those owners who have consented for acquisition and all other acquisition proceedings have lapsed. We direct learned A.G.P. to take instructions on the correctness of what is stated in the affidavit dated 6th January, 2015. If all the acquisition proceedings except the one which have taken place with the consent of owners have lapsed, it may not be necessary to deal with the prayer clauses (b) to (d).

2. To enable the learned A.G.P to take instructions and make a statement, we direct that this PIL be placed on 9th February, 2015 in the category of "Fresh matters". In the meanwhile it will be open for other Respondents to file a reply."

3. Learned counsel for the petitioners has no instructions from the petitioners.

4. Either the petitioners have consented to their land being acquired or have not. If they have not consented for their land being acquired as recorded in the Order dated 12th January, 2015, the acquisition proceedings have been lapsed. If they have consented for their lands being acquired they cannot continue with the instant Public Interest Litigation.

5. Hence, we dispose of both the Public Interest Litigation as infructuous.

6. In view of Public Interest Litigation No.143 of 2006 being disposed of, Civil Application No.137 of 2015 is disposed of as infructuous.

(SMT. BHARATI DANGRE, J.)

(CHIEF JUSTICE)