

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9114 OF 2018**

M/s Sumitra Buildcon's Pvt. Ltd. ... Petitioner

V/s.

State of Maharashtra and anr. ... Respondents

Mr.Sumit Kate i/by Mr.Uday Warunjikar for the Petitioner.
Mr.S.D.Vyas, "B" Panel counsel for Respondent No.1.

**CORAM : AKIL KURESHI AND
S.J.KATHAWALLA, JJ.
DATE : JUNE 12, 2019.**

P.C.:-

1. According to the Petitioner, agricultural land bearing Nos.409, 416, 417, 418, 419, 420, 423(part), 427, 428 and 429 of village Kudawali, Taluka-Murbad, District-Thane (the said land) was purchased by the petitioner by executing sale deeds and the name of the petitioner was entered in the 7/12 extract.

2. In the year 2004, an application was made by the petitioner for converting the land for non-agricultural purposes. After survey and inquiry, a report was

submitted to the appropriate authorities, and permission dated 14th July, 2004 was granted to convert the land for non-agricultural purposes.

3. From the year 2005, the Petitioner by virtue of different registered agreements for sale, agreed to sell the land to as many as 117 individuals. According to the petitioner, however all of a sudden the respondent No.2 (MIDC) started claiming that the said land has been acquired by MIDC. The petitioner came across a notification dated 9th February, 2009, whereby respondent No.2 was appointed with effect from 9th February, 2009 as an authority under Chapter 8 of the MIDC Act.

4. The Petitioner, thereafter made representations to the Chief Executive Officer - MIDC on 19th August, 2012 and 1st October, 2012 and requested him to take appropriate decision in the matter. Since MIDC did not respond to the representations, the Petitioner filed Writ Petition No.10596 of 2014, which was disposed off by an order dated 6th April, 2015. By the said order, the

respondent was directed to decide within three months the representations of the petitioner, in accordance with law.

5. According to the petitioner, thereafter an additional representation was also made, requesting the respondent-MIDC to consider release of the land from acquisition.

6. On 27th May, 2015, MIDC itself requested the Collector at Thane to release the land from acquisition.

7. On 19th August, 2016, respondent No.1 through its Industry, Energy and Labour Department took a decision to exclude the said land from acquisition. However, the decision of the Government was not followed by the necessary notification. In view thereof, the Petitioner filed the above Petition seeking necessary directions. On 22nd January, 2019, when the above petition was taken up for admission by R.M.Borde and V.L.Achliya, JJ., it was submitted on behalf of the petitioner that though the

State Government has decided to delete the said land from acquisition, the said decision is not published in the Official Gazette by the State Government, and therefore, the respondents be directed to clarify the time frame required for the publication of the said decision. In response, the Advocate for the respondent No.1 informed the Court on the basis of the telephonic instructions received by him from the concerned Officers of the respondent No.1 that the said land is already denotified and sought time to place the same on record.

8. Accordingly, today, the learned APP has tendered in Court the relevant notification whereunder acquisition of said land is denotified. The said notification is taken on record and marked "X" for identification. The above writ petition is accordingly worked out and is disposed of as such.

(S.J.KATHAWALLA, J.)

(AKIL KURESHI, J.)

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