

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

WRIT PETITION (L) NO.25234 OF 2019

Sayed Murtuza Fazle Ali S. Hasan & Ors. .. Petitioners

Vs.

State of Maharashtra & Ors. .. Respondents

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Mr.Javed Shaikh a/w. Mr.Bharat Gadhavi i/b. Mr.Bharat Gadhavi,
Advocate for the Petitioners.

Ms.S.S. Bhende, AGP for Respondent – State.

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**CORAM : A.A. SAYED AND
PRAKASH D. NAIK, JJ.**

DATED : SEPTEMBER 17, 2019.

P.C. :

The substantive prayers in the Writ Petition read as
under:

“(b) That by issuance of writ of mandamus or certiorari or prohibito or any other appropriate writ the public notice dated 30.05.2019 issued by respondent no.3 may kindly be quashed and set aside, to the extent of petitioner property i.e. CS 4299, Sugra Manzil.

(c) That by issuance of writ of mandamus or certiorari or prohibito or any other appropriate

writ the instructions dated 27/5/2019 issued by respondent no.2 i.e. Ld. Collector thereby instructing respondent no.3 i.e. Dy. Collector (Acquisition) to take action on proposal submitted by respondent no.6, may kindly be quashed and set aside being ultra vires the G.R. dated 25.1.2017.”

2 We find that though the Petitioners have challenged the instructions dated 27th May, 2019 issued by the Collector to take action on the proposal of Respondent No.2 in prayer clause (b) of the Petition, copy of the said instructions dated 27th May, 2019 is not annexed to the Petition. Perusal of the public notice dated 30th May, 2019 which is challenged in prayer Clause (a) of the Petition shows that the owners of several properties have been called for private negotiation for direct purchase of their properties and sought consent letters from willing owners. The said public notice has already been published. If the Petitioners who claim to be the co-owners of the subject property to the extent of their 1/3rd share are not interested in direct purchase of the subject property by negotiation, the subject property will have to be acquired in accordance with law. The Petitioners, we are told, have filed their objection to the proposal for acquisition. It would always be open for the Petitioners to challenge the

acquisition of the subject property at appropriate stage. In the facts and circumstances of the case, we do not see any prejudice caused to the Petitioners.

3 In our view this is not a fit case to exercise the discretionary and extra ordinary writ jurisdiction of this Court. The Petition is accordingly dismissed.

(PRAKASH D. NAIK, J.)

(A.A. SAYED, J.)