

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

WRIT PETITION NO. 2131 OF 2018

Godrej & Boyce Manufacturing Co. Ltd.	Petitioner
V/S	
State Of Maharashtra & Ors.	Respondents

Mr Navroze Seervai, Sr. Adv a/w Rohaan Cama & Mr. Shanay Shah i/b Bachubhai Munim & Company for the Petitioner.
Mr A. A. Kumbhakoni, Advocate General a/w G. R. Shastri, Addl GP for the Respondents.
Mr Anil Singh, ASG a/w. Shailaja Nair i/b. T. J. Pandian for the Respondent No. 4.
Mr. Mandar Soman for the Respondent No. 5 to 9.

**CORAM : A. A. SAYED &
PRAKASH D. NAIK, JJ.**
DATED : 4th September, 2019

P.C.:

The substantive prayers in the Writ Petition read as under:

(a) that this Hon'ble Court be pleased to issue to a Writ of Mandamus or a writ in the nature of Mandamus or any other appropriate, writ order or direction, directing Respondent No. 1 to 4 to accept the proposal of the Petitioner as recorded in the letters dated 19th April, 2018 and 3rd May, 2018, being Exhibits "C" and "I" respectively, to shift the ventilation shaft and DSS/TSS proposed to be constructed on the proposed plot, being CTS No. 51/

A (Part) shaded in pink coloured hatched lines on the plan at Exhibit "C" to the alternate plot being CTS No. 1 (part) equivalent to New Survey No. 64 (part) shaded in purple coloured hatched lines on the plan at Exhibit "C";

(b) That strictly in the alternative to prayer clause (a) this Hon'ble Court be pleased to issue a writ of Mandamus or a writ in the nature of Mandamus or any other appropriate, writ order or direction directing Respondent Nos. 1 to 4 to consider the proposal made by the Petitioner in the letters dated 19th April, 2018 and 3rd May, 2018 being Exhibit "C" and "I" hereto to shift the ventilation shaft and DSS/TSS proposed to be constructed on the proposed plot, being CTS No. 51/A (part) shaded in pink coloured hatched lines on the plan at Exhibit "C" to the alternate plot being CTS No. 1 (part) equivalent to New Survey No. 64 (part) shaded in purple coloured hatched lines on the plan at Exhibit "C" and after hearing the Petitioner to pass suitable orders on the same within such time as this Hon'ble Court

may direct;

2. After filing of the present Petition, by a Public Notice dated 25th September, 2018 issued by the Respondent No. 3, the copy whereof is tendered across the bar (marked X for identification), the Respondent No. 4 has submitted a revised proposal to Respondent No. 3 for acquiring an alternate land identified by the Petitioner, by direct purchase by private negotiations. The said alternate land has been described more particularly in the Schedule One to the said Public Notice dated 25th September, 2018.

3. Despite efforts parties to the Petition have not been able to reach a mutually acceptable agreement.

4. In the light of the revised proposal submitted by the Respondent No. 4 to the Respondent No. 3, referred to in the aforesaid Public Notice dated 25th September, 2018, the Petition has worked itself out.

5. The Petition is accordingly disposed of reserving all rights and contentions of the respective parties including the Petitioner's right to challenge the valuation of the said alternate land that may be determined by the Respondent No. 3 in the event of the Respondents proceeding to take steps to acquire the same under

the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

(PRAKASH D. NAIK,J.)

(A.A.SAYED, J.)