

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
APPELLATE SIDE CIVIL JURISDICTION  
WRIT PETITION NO. 1225 OF 2019**

Chandrabhaga Krushna Chande & Ors. ...Petitioners  
V/S

Executive Engineer, National Highway  
Div. III, Thane & Ors. ...Respondents

Mr. Siddharth Chapalgaonkar i/b. N. P. Deshpande for the  
Petitioners

Ms. P.N.Diwan, AGP for the Respondents-State

Mr. Rakesh Singh i/b. M. V. Kini & Co. for the Respondent No. 10

**CORAM : A. A. SAYED &  
ANUJA PRABHUDESSAI, JJ.  
DATED : 18<sup>th</sup> February, 2020**

**P.C.:**

The Petition is filed seeking following reliefs:

*“(a) This Hon’ble Court may, declare that the Petitioners land bearing S.No. 160/5 situate at Asangaon, Tal. Shahapur, District Thane, is not acquired by the Respondents;*

*(b) This Hon’ble Court may, by way of appropriate writ Order or direction, quash and set aside the Mutation Entry Nos. 1107 and 2228 to the extend it includes the Petitioners land bearing S. No. 160/5 of village Asangaon, Tal. Shahpur, Dist. Thane and direct that the name of the Government (Executive Engineer) be deleted from the revenue records of the said land.*

*(d) All other just and necessary orders may kindly be passed in favour of the Petitioners.”*

2. According to the Petitioners, the subject property is not reflected in the award. The copy of the award however has not been annexed to the Writ Petition. The Section 4 Notification under the Land Acquisition Act was issued on 23.02.1974 followed by Section 6 Notification dated 25.04.1974. The award was declared on 24.05.1974. The mutation entry as described in the prayer clause (B) of the Writ Petition was effected sometime in the year 1975.

3. We find that there is an inordinate delay in filing the Writ Petition and the same has not been explained. A 3-Judge Bench of the Supreme Court in the case of State of Maharashtra vs. Digamber, (1995) 4 SCC 683, has held in para 26 as follows:

*“26. Thus, when the writ petitioner (respondent here) was guilty of laches or undue delay in approaching the High Court, the principle of laches or undue delay adverted to above, disentitled the writ petitioner (respondent here) for discretionary relief under Article 226 of the Constitution from the High Court, particularly, when virtually no attempt had been made by the writ petitioner to explain his blame worthy conduct of undue delay or laches. The High Court, therefore, was wholly wrong in granting relief in relation to inquiring into the allegation and granting compensation for his land alleged to have been used for scarcity relief road works in the year 1971-72. As seen from the judgment of the High Court, the allegation adverted to above, appears to be the common*

*allegation in other 191 writ petitions where judgments are rendered by the High Court following the judgment under appeal and which are subject of SLPs in this Court that are yet to be registered. We have, therefore, no hesitation in holding that the High Court had gone wholly wrong in granting the relief which it has given in the judgment under appeal, and judgments rendered following the said judgment in other 191 writ petitions, said to be the subject of SLPs or otherwise. All the said judgments of the High Court, having regard to the fact that they were made in writ petitions with common allegation and seeking common relief, are liable to be interfered with and set aside in the interests of justice even though only learned counsel appearing for a few writ petitioners were heard by us."*

6. In view of the above, we dismiss the Petition only on the ground of delay and laches.

**(ANUJA PRABHUDESSAI, J.)**

**(A. A. SAYED, J.)**