

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

WRIT PETITION NO.2463 OF 2015

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Byramjee Jeejeebhoy Pvt. Ltd. and
Anr.

...Petitioners

Versus

The State of Maharashtra and Ors.

...Respondents

.....

Mr. Kishore Jain a/w. Divya Jain a/w. Priyal Chheda i/b. Divya Jain
and Shweta Jain for the Petitioners.

Mr. G.R. Shastri, Addl. GP for the State.

Mr. V.M. Parshuramani for the Respondent No.4.

**CORAM : A.A. SAYED AND
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED: 6th JANUARY, 2020.

P.C.:-

The only prayer pressed by the learned Counsel for the
Petitioners is prayer clause (a), which reads thus:

*“This Honourable Court be pleased to issue a writ
of certiorari or a writ in the nature of certiorari or
any other, writ, order or direction to the effect that
the purported acquisition of property bearing
C.S.No.1A/151, Building Nos.39A, 39B, G.D.
Ambedkar Marg, known as Bhoira Building, Parel-
Sewri Division, “F/S” Ward, Mumbai 400 012 has
lapsed;”*

2. The property in question was acquired under the provisions of the Maharashtra Housing and Area Development Act, 1976. The only contention of the learned Counsel for the Petitioner is that in view of the provisions of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the acquisition has lapsed.

3. The Full Bench of this Court in the case of ***Mehtab Laiq Ahmed Shaikh vs. State of Maharashtra & Ors. 2017 (6) Bom.C.R.706*** had occasion to consider a similar issue where the acquisition was under the Maharashtra Regional and Town Planning Act, 1966. The question which was considered by the Full Bench is stated in para 1 which reads as follows:

“Whether the provisions of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 as regards lapsing of the acquisition apply to the acquisition proceedings initiated in terms of Section 125 to 127 of the Maharashtra Regional Town Planning Act, 1966?”

4. Answering the reference, in paragraph No.77 the Full Bench has held as follows:

“The Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 is not applicable to the acquisition proceedings initiated in terms of Section 125 to 127 of the MRTP Act.”

5. Applying the same analogy, we hold that Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 is not applicable to acquisition under the provisions of MHADA Act. The question of lapsing of acquisition as provided under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 therefore does not arise.

6. It is seen that the possession of the subject property was taken as far back as on 18.8.1982. After taking possession, the buildings bearing Nos.39A and 39B were demolished and new buildings were constructed by MHADA wherein the occupants of the old building have been accommodated.

7. In light of the above, there is no merit in the Petition.
The Petition is accordingly dismissed.

(ANUJA PRABHUDESSAI, J.)

(A.A. SAYED, J.)