

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 4064 OF 2021

Soma Ramchandra Bane and Ors.

...Petitioners

Versus

The State of Maharashtra & Ors.

...Respondents

Mr. Prashant Aher for Petitioner.

Mr. Bipin Chundra i/by Mahesh Menon and Co for Respondent No. 3.

Mr. Santosh Parad i/by Aruna Savla for Respondent Nos. 2 and 3.

Ms. Ashwini A. Purav, AGP, for the Respondent – State.

**CORAM : PRASANNA B. VARALE &
N.R. BORKAR, JJ.**

DATE : SEPTEMBER 13, 2021.

PER COURT :

1. Heard learned Counsel for the respective parties.
2. The grievance of the Petitioner is in respect of inaction of Respondent No.2 – the Municipal Corporation of Greater Mumbai and by prayer clause (i) the petitioner seeks direction to Respondent No.2 to rehabilitate and resettle the petitioners as “interested persons” in accordance with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 by virtue of acquisition of land in LAQ/813 dated 27th September 2018 by respondent no.5.
3. Learned counsel for the petitioner invited our attention to certain

documents placed on record to submit that an award was passed on 27.09.2018. By the said award, certain landed property of Respondent No. 3 was acquired. Learned Counsel for Petitioner invited our attention to clause 12 of the award referring to the construction and it is stated that there are as many as 8 constructions and out of these 8 constructions one is a temple. In that very clause it is stated that, it will be the responsibility of the acquiring body to resettle and rehabilitate the persons affected. Learned Counsel then invited our attention to the documents placed on record at Annexure-H. Document carries a caption as undertaking and bears signature of Chief Engineer Development Plan. Learned Counsel then submitted that on the backdrop of these facts, Petitioners who were the tenants submitted an application to respondent no.5 - the Deputy Collector, Land Acquisition under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 .

4. Learned Counsel for Petitioner then submitted that the copy of this application was submitted to Respondent No.2-Municipal Corporation of Greater Mumbai. Though the copy supplied to Respondent No. 2 is not placed on record it is the submission of learned Counsel for Petitioner that it was forwarded to respondent no.2. Learned Counsel then invited our attention to a communication which is placed on record as Annexure F-1. It is the submission of learned Counsel that though the communication is forwarded to Respondent No.5, and the copy is supplied to respondent no.2, till date no decision is taken by these authorities on the application of petitioners.

5. Learned Counsel for Respondent Nos. 2 and 4 submitted before this Court that if the Petitioner provides a fresh copy or submits a fresh representation to Respondent No.2, it would facilitate Respondent No.2 to take appropriate decision on the application. Admittedly, the Respondent No. 2 was the acquiring body and as the only grievance of is of inaction on the part of Respondent No.2, in our opinion, the petition can be disposed of by issuing direction to Respondent No.2

6. The Counsel for Petitioner submitted that though the copy of application dated 27.05.2019 was supplied to Respondent No.2, as an abundant precaution the petitioners would submit a fresh copy to Respondent No.2 within two weeks from today along with the necessary documents. On receipt of such application / representation, Respondent No.2 is directed to decide the same as early as possible and not later than six weeks from the date of receipt of the application.

7. Needless to mention that we have not expressed any opinion on the merits of the matter. The Petition is accordingly disposed of in terms of the above referred directions.

(N.R. BORKAR, J.)

(PRASANNA B. VARALE, J.)