

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

WRIT PETITION NO. 1091 OF 2021

Jewel Touch (India) LLP & Anr.

.. Petitioners

Versus

The State of Maharashtra & Ors.

.. Respondents

-
- Mr. Fredue E. De'Vitre, Senior Advocate a/w Mr. Rohaan Cama, Mr. Shanay Shah, Mr. M.S. Federal, Mr. Murtuza Federal, Mr. Krunal Mehta and Mr. Sougat Patil i/by Federal & Company for the Petitioners
 - Ms. Geeta Shastri, Addl. G.P. for the State
 - Mr. Pralhad Paranjape a/w Mr. Manish Kelkar for Respondent No. 4 (NHSRCL)
 - Mr. Akshay P. Shinde for Respondent No. 3
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**CORAM : S.J. KATHAWALLA &
MILIND N. JADHAV, JJ.**

DATE : JUNE 17, 2021.

P.C.:

By the above Writ Petition, the Petitioners seek the following reliefs:-

- "(a) that 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 under Article 226 of the Constitution of India directing the Respondents to take steps in regard to the said Property and the Petitioners' rights, entitlements and interests therein as the owner as lessee thereof, under and in the manner prescribed by the Right To Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 forthwith;
- (b) that this Hon'ble Court be pleased to issue a writ of Prohibition, or a writ in the nature of Prohibition or any other appropriate writ, order, injunction or direction under Article 226 of the Constitution of India restraining the Respondents from taking any steps in regard to the said Property and the Petitioners' rights, entitlements and interests

therein save and except under and in the manner prescribed by the Right To Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and against payment of full and fair compensation thereunder to the Petitioners;

- (c) that in the event that the Respondents fail to take the steps for acquisition of the said Property and the Petitioners' rights, entitlements and interests therein, under and in the manner prescribed by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 within such time as this Hon'ble Court deems fit, Respondent No.3 be ordered and directed to process, consider and grant the Petitioners' applications for further approvals and permissions for development of the said Property beyond the plinth level, in accordance with law and with unfettered right of access from and to the main thoroughfare Bandra Kurla Road from the existing 24 mtr., road abutting the said Property as at present. "

2. Pursuant to our order dated 10.06.2021, Respondent No. 4 has filed its affidavit-in-reply dated 15.06.2021 wherein Respondent No. 4 in paragraph 5(k) states as under:-

- "k. The answering Respondent submits that as stated earlier the Petitioners' land is not required even for its temporary work and thus there would be no question of paying over the amounts as sought by the Respondent No. 3. The answering Respondent by its communication dated 18 February 2021 has already requested the Petitioner to take up its other grievances with the Respondent No. 3."

3. Since a grievance is made that the representation of the Petitioners dated 26.03.2021 is not decided by the relevant Authorities, we grant liberty to the Petitioners to file a fresh representation seeking comprehensive reliefs from Respondent Nos. 3 and 4.

4. In the event, such a representation is filed within a period of two weeks from today, Respondent Nos. 3 and 4

shall give hearing to the Petitioners within a period of two weeks thereafter and pass necessary orders within a period of two weeks thereafter.

5. All contentions of the parties are kept open.

6. In view of the above, the Petition is disposed of.

7. Liberty to file fresh proceedings if the Petitioners so desire.

[MILIND N. JADHAV, J.]

[S. J. KATHAWALLA, J.]