

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

C.A.W. NO. 3210/2019 IN WRIT PETITION NO. 5351/2019

(THE A.P.M.C. KALMANA, NAGPUR **VERSUS** THE STATE OF MAHARASHTRA & OTHERS)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri V.M. Gadkari, counsel for the petitioner.

Ms S.S. Jachak, A.G.P for the R-1 to 3.

Shri M.G. Bhangde, Senior Advocate with Shri A.M. Quazi, counsel for the R-7 & 8.

CORAM : A. S. CHANDURKAR AND G.A. SANAP, JJ.

DATED : 18TH AUGUST, 2021.

By this application, the applicant seeks to amend the writ petition by adding certain paragraphs and impleading the Competent Authority constituted under the Urban Land (Ceiling and Regulation) Act, 1976 as respondent. A prayer is sought to be incorporated by which the Competent Authority is sought to be directed to produce the records pertaining to the proceedings under the Urban Land (Ceiling and Regulation) Act, 1976 (for short, 'the said Act') for deciding whether the subject land vests in the Government under the said Act.

On hearing the learned counsel for the parties, we find that in the reply filed on behalf of the respondent nos.7 and 8 dated 28.01.2020, various documents have been placed on record to indicate that the Agricultural Produce Market Committee was well aware of the fact that possession of the land in question was not taken under the provisions of Section 10(5) of the said Act thus resulting in lapsing of the proceedings. In the communication dated 01.04.2010 addressed by the Administrator of the Agricultural Produce Market Committee to the Special Land Acquisition Officer, it has been clearly stated that possession of that land was never taken as per the information supplied and as that land was required for development purposes, the same should now be acquired under the provisions of the Land Acquisition Act, 1894.

In the light of the fact that in 2010 itself, the Agricultural Produce Market Committee was aware of the aforesaid factual position we find the proposed amendment to be belated and not necessary for purposes of adjudicating the present writ petition wherein challenge is made to the dropping of the

acquisition proceedings under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

In that view of the matter we are not inclined to allow the amendment as prayed for. The civil application is rejected.

WRIT PETITION NO.5351/2019.

Learned counsel for the petitioner to correct the pagination in the writ petition.

Put up on 26.08.2021 at the request of Shri VM. Gadkari, learned counsel for the petitioner.

(G.A. SANAP, J.)

(A. S. CHANDURKAR, J.)

APTE