

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

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**INTERIM APPLICATION NO.716 OF 2022
IN
WRIT PETITION NO.2605 OF 2021**

Sunil Deshmukh

.. Applicant

In the matter between

Shri Keshavraj Mahavishnu Deo Sansthan

.. Petitioner

Versus

State of Maharashtra

.. Respondent

**WITH
INTERIM APPLICATION NO.1843 OF 2022
IN
WRIT PETITION NO.2605 OF 2021**

Balu Haribhau Choudhari

.. Applicant

In the matter between

Shri Keshavraj Mahavishnu Deo Sansthan

.. Petitioner

Versus

State of Maharashtra

.. Respondent

Mr.B.S.Ligade i/by Mr.Drupad Patil for the applicant in interim applications.

Mr.N.V. Bandiwadekar a/w Mr.Vinayak Kumbhar i/by Ms.Neha N. Bandiwadekar for the petitioner.

Ms.Kavita N.Solunke, AGP for the respondent nos.1 to 4.

**CORAM : R.D. DHANUKA AND
S.M. MODAK, JJ.
DATE : 1st July 2022
(In Chamber)**

P.C.:-

. Learned counsel for the applicant has filed an Interim Application No.716 of 2022 seeking liberty to file and contest this

application on merit and seeks recall of the order dated 3rd February 2022 passed by this Court in Writ Petition No.2605 of 2021.

2. Interim Application No.1843 of 2022 is filed by the applicant inter alia praying for similar reliefs.

3. This Court by a judgment delivered on 3rd February 2022 in Writ Petition No.2605 of 2021, after hearing the parties to the said proceedings, has allowed the said writ petition in terms of prayer clause (b) i.e. holding and declaring that the acquisition proceedings in respect of the land admeasuring 10H. 89 R. from and out of the land bearing Gat No.517/1(P), situated at Mouje Markal, Tal.Khed, District Pune owned by the petitioner has lapsed 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. These applicants claim their rights in respect of part of the land which was the subject matter of the said Writ Petition bearing No.2605 of 2021.

4. In our view, the applicant can file their independent proceedings for asserting their rights in the property which was the subject matter of the said writ petition. The said writ petition is already disposed off. We thus do not propose to recall the said order and judgment dated 3rd February 2022 at the instance of the applicant. Both the interim applications are disposed off accordingly. If the applicants file any independent proceedings, the same would be considered on its own merits. No order as to costs.

S.M. MODAK, J.

R.D. DHANUKA, J.