

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

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WRIT PETITION NO.2228 OF 2022

Bharatkumar Gopalbhai Tandel & Ors.

.. Petitioners

Versus

The Collector, Daman & Ors.

.. Respondents

Mr.Pramod N. Joshi and Mr. Pratik B. Rahade for the petitioners.

Mr.H.S. Venegaonkar for the respondents.

**CORAM : R.D. DHANUKA AND
S.M. MODAK, JJ.**

DATE : 2nd March 2022

P.C.:-

. Mr.Joshi, learned counsel for the petitioners seeks liberty to delete the names of petitioner nos.2 and 3 from the cause title of the petition on the ground that these petitioners have instructed not to pursue this petition on their behalf. Statement is accepted.

2. Leave to amend is granted to delete the names of petitioner nos.2 and 3 from the cause title of the petition. Amendment to be carried out within one week from today. Amendment shall also be carried out in the copies supplied to the respondents.

3. Rule. Mr.Venegaonkar, learned counsel for the respondents waives service. By consent of parties, petition is heard finally.

4. By this petition filed under Article 226 of the Constitution of India, the petitioners seek a writ of certiorari for quashing and setting

aside the order/notice dated 31st January 2022 issued by the respondent no.4 and for further action initiated pursuant to the said notice.

5. The apprehension of the petitioners is that under the said notice dated 31st January 2022 without deciding the objection of the petitioners, the respondents would take possessions of the land on 2nd March 2022.

6. Mr.Venegaonkar, learned counsel for the respondents, on instructions, states that the second last paragraph of the said notice dated 31st January 2022 at page 49 showing the intention to take possession of the land on 2nd March 2022 is only for those persons who have not raised objections and not for those persons who are likely to raise objections proposed by the said notice. It is submitted by the learned counsel that the meeting is fixed by the Collector on 7th March 2022 for giving an opportunity to the petitioners and others and to ascertain the nature of their respective interest in their lands; the amount and particulars of their claims to compensation for such interests and their objections, if any, to the measurements made and marked on the referred area. He further submits that pursuant to the said notice, the learned Collector will also decide all the objections including the objection to the acquisition of the land itself. Statements are accepted.

7. Learned counsel for the petitioners in the rejoinder arguments submits that his clients have already raised objections on 14th June 2021 in response to the Notification dated 29th April 2021 and would submit that objections to the notice dated 31st January 2022 would be filed on or before 4th March 2022. His clients agree to remain present

before the learned Collector on 7th March 2022 at 11.00 a.m. Statement is accepted.

8. Learned Collector is not required to give fresh notice to the petitioners and decide the objections raised by the petitioners and would pass an order after complying with the principles of natural justice.

9. Writ petition is disposed of in aforesaid terms. Rule is made absolute in aforesaid terms. No order as to costs.

10. It is made clear that this Court has not expressed any views on merit of the notice issued and the objections raised by the petitioners. All contentions of both the parties are kept open. Parties to act on the authenticated copy of this order.

S.M. MODAK, J.

R.D. DHANUKA, J.