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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1098 OF 2006

Narayan Govind Gavate Ors. ...Petitioners

Versus

The State of Maharashtra & Anr. ...Respondents

WITH
INTERIM APPLICATION NO. 10536 OF 2022
IN
WRIT PETITION NO. 1098 OF 2006

Reliable Infra Project Pvt. Ltd. ...Applicant

Versus

Narayan Govind Gavate (deceased)
through Lrs. & Ors. ...Respondents

WITH
INTERIM APPLICATION NO. 2832 OF 2021
IN
WRIT PETITION NO. 1098 OF 2006

Ajit Bhaskar Gavate ...Applicant

Versus

The State of Maharashtra & Anr. ...Respondents

WITH
CIVIL APPLICATION NO. 1966 OF 2018
IN
WRIT PETITION NO. 1098 OF 2006

Narayan Govind Gavate (Deceased)
Throuh Lrs. & Ors. ...Applicants

Versus

The State of Maharashtra & Anr. ...Respondents

WITH
INTERIM APPLICATION NO. 2837 OF 2021
IN
WRIT PETITION NO. 1098 OF 2006

Reliable Exports (India) Pvt. Ltd.
Through Authorized Representative
Mangesh Shivapurkar ...Applicant

IN THE MATTER BETWEEN

Narayan Govind Gavate & Ors. ...Petitioners

Versus

The State of Maharashtra & Anr. ...Respondents

WITH
CIVIL APPLICATION NO. 1174 OF 2016
IN
WRIT PETITION NO. 3412 OF 1992

Maharashtra Industrial Development Corpn. ...Applicant

Versus

Bhaskar Govind Gavate ...Respondents

- Mr. Sandesh D. Patil, Mr. Chintan Shah and Ms. Anusha P. Amin, Advocates for the Petitioners.
- Mr. Milind Sathe, Senior Advocate a/w Ms. Shyamli Gadre, Ms. Harshita Bhanushali, Ms. Janhvi G. i/by Little & Co., for Respondent – MIDC.
- Ms. Purvi Doctor, Ms. Shweta R. Rathod i/by Elixir Legal Services, Advocate for Intervenor/Applicant in IA No. 2832 of 2021.
- Mr. A. I. Patel, Addl.G.P a/w Ms. M. S. Bane, AGP for the Respondent – State in W.P. No. 1098/2006.
- Mr. A. I. Patel Addl.G.P a/w Ms. R. M. Shinde, AGP for Respondent – State in W.P. No. 3412 of 1992.

**CORAM : PRASANNA B. VARALE &
KISHORE C. SANT, JJ.**

DATE : AUGUST 04, 2022.

P.C. :

1. The present Writ Petition is filed in the year 2006 with the principal prayer and same reads thus :

“a. By an appropriate writ, order or direction, this Hon’ble Court be pleased to direct the respondents to declare the award in respect of 34 acres (approx.) of land out of land mentioned in paragraph no. 9 above and further the respondents be directed to remit the compensation to the petitioner in respect of the land acquired by them.”

2. During pendency of the petition, various orders were passed by this Court. On last date i.e., 18th July, 2022 learned AGP, on instructions, submitted that draft award is already prepared, however, it is awaiting sanction of the State Government.

3. Today, additional affidavit is filed on behalf of the Respondent No. 2 i.e. Shri. Avinash Dashrathrao Shinde, Special Land Acquisition Officer, Thane and Sub-Divisional Officer, Sub Division, Thane. Copy of a communication from the Collector, Thane addressed to Sub-Divisional Officer, Thane dated 01st August, 2022 is placed on record and annexed to the affidavit-in-reply as Exhibit “A” page no. 183. A reference is made to a meeting conducted in the office of Principal Secretary, Forest Department on 21st July, 2022 for seeking guidance. It is further stated that the Competent Authority grant an approval on 31st May, 2017 to draft award prepared on 12th July, 2017. In view of this statement made in the additional affidavit-in-

reply, the grievance raised in the petition, no more survives and purpose of the petitioner approaching this Court by present petition is now duly served.

4. Learned Counsel for the petitioner submitted that in view of the peculiar facts, namely, the petitioner was before this Court from year 2006 till today i.e. 2022 and a draft award which was prepared in year 2013, received the approval in year 2017, and the confirmation of approval is reflected in the affidavit-in-reply filed in this Court today, as such, petitioner be permitted to raise certain claims in respect of the interest etc., flowing from the approval of award can be agitated before the appropriate forum, as the case may be, i.e. either Judicial Forum or a *Quasi Judicial* Forum. Accordingly, the petition is disposed of with a liberty as prayed for.

5. We further observed that in pursuant to the liberty granted to the petitioner, if the petitioner avails any remedy as available under the provisions of law, and approaches the Competent Forum by submitting necessary application / representation or proceedings, such application / representation / proceedings be considered on the backdrop of the facts referred to our order and be decided as expeditiously as possible.

6. In view of the disposal of writ petition, Interim Application Nos. 10536 of 2022, 2832 of 2021, 2837 of 2021 as well as Civil Application Nos. 2837 of 2021 and 1174 of 2016 will not survive for consideration and the same are also disposed of.

7. All concerned shall act upon a copy of this order which is duly authenticated by the Registry of this Court.

(KISHORE C. SANT, J.)

(PRASANNA B. VARALE, J.)