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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
REVIEW PETITION (L) NO. 67 OF 2019
IN
WRIT PETITION NO. 1737 OF 2016
WITH
INTERIM APPLICATION NO. 463 OF 2019
IN
REVIEW PETITION (L) NO. 67 OF 2019

Pushpa Tiwari	...Petitioner
<i>Versus</i>	
State of Maharashtra & Ors	...Respondents

Mr Drupad S Patil, *for the Petitioner.*
Mr Amit Shastri, AGP, *for Respondent No. 1-State.*
Mr Sagar Patil, *for MCGM.*
Mr Gaurav Jain, *i/b The Law Point for Respondent No. 5 (MMRDA).*

CORAM G.S. Patel &
Gauri Godse, JJ.
DATED: 17th August 2022

PC:-

1. A review is sought of the order dated 3rd July 2019 passed by a Division Bench of this Court comprising SC Dharmadhikari J, and one of us GS Patel J.

2. Mr Patil agrees that the Petitioners were present at the time when the matter was heard and decided. He also accepts that the order was passed in open Court. However, he says that paragraph 3 of the order of 3rd July 2019 is being misconstrued and misread by the public authorities. Specifically, it is his case that where identical acquisitions are taking place, even in immediately adjacent or abutting lands, authorities themselves say that the provisions of the Land Acquisition Act, 1894 are applicable. It is only because of the impugned order that there is a sort of jurisprudential isolation or singling out of this particular Petitioner and this particular property.

3. Paragraph 3 at page 48 reads thus:

“3. Needless to clarify that all applicable provisions can be invoked in the event the petitioner is aggrieved by the quantum of the compensation offered. It is entirely for the petitioner to receive the compensation under protest and thereafter take recourse to such provisions as are permissible in law, but surely not under the Land Acquisition Act, 1894, or the successor legislation.”

4. Obviously, the intention of the Division Bench in setting this out must be read in the context of what is said before in paragraph 2, which reads thus:

“2. After that order, today, Mr. Apte learned counsel appearing for the Municipal Corporation, on instructions, states that the Municipal Corporation will compute the compensation payable in terms of the applicable law, namely, the Mumbai Municipal Corporation Act, 1988 and sections 297 to 301 thereof and offer it to the petitioner. The payment would be made within a period of four weeks from the date of computation is made.”

5. It thus goes without saying that there is no question of the MCGM or any other authority excluding the operation of an otherwise applicable statute such as the Land Acquisition Act, 1894 only on account of this order. It is sufficient to clarify that paragraph 3 of the order was in the context and on the understanding that all persons similarly placed would be treated equally. That is fundamental and goes to the root of the public administration. It is sufficient, therefore, to clarify that if the Petitioner receives compensation and avails of any remedies that are open to her in law, this will be on the same basis as is applied to others similarly situated or on abutting or adjacent land.

6. No other ground is made out. The Review Petition is disposed of with these observations.

7. There will be no order as to costs.

8. All pending Interim Applications stand disposed of as infructuous.

(Gauri Godse, J)

(G. S. Patel, J)