

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 2498 OF 2023

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J.M. Mhatre Charitable Sanstha

.. Petitioner

Versus

1. Union of India
(Through Ministry of Railways)
Through the Chief Engineer, Construction,
Central Railways & 4 Ors.

...Respondents

Mr.Aseem Naphade a/w. Mr.Sameer Tiwari i/b Adv. Amit Kalre,
Advocate for Petitioner.

Mr.R.V. Govilkar, Senior Advocate with Mr.Niranjan Shimpi,
Advocate for Respondent Nos.1 and 2-Union of India.

Mr.R.S. Pawar, AGP for State.

**CORAM : B.P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.**

DATE : DECEMBER 21, 2023.

P C:

1. The Petition challenges notices/orders issued by Respondent Nos.1 and 2 which are in connection with the acquisition of a portion of the Subject Property situated at Khalapur Taluka, Raigad District and more particularly described in Paragraph 2 of the Writ Petition. The Subject

Property admeasures about 1 Acre of which Respondent Nos.1 and 2 have acquired about 240 square meters. The said acquisition is for a public purpose, viz., Panvel-Karjat Suburban Corridor (Dual Rail Line) Project (for short, “the said Project”) being implemented by Respondent No.2.

2. The Petitioner is a Public Charitable Trust which runs a School by the name of “Himanshu Dilip Patil English Medium School” situated on the Subject Property at Khalapur Taluka, Raigad District. The Petitioner’s grievance in this Petition is that the Respondents, in implementing the said Project, will endanger and/or damage the foundation slab of the school building and also cause damage to the school building itself.

3. This Petitioner and Respondent No.2, after holding a meeting on December 19, 2023 and carrying out a joint site inspection on December 20, 2023, have arrived at a consensus as regards the distance at which the RCC wall would be constructed by Respondent No.2 while implementing the said Project. The Trustee of the Petitioner and the authorized representative of Respondent No.2, who are present in Court, have signed the Plan and two photographs that indicate the RCC wall that will be constructed by Respondent No.2 while implementing the said Project.

4. It is common ground that, if the said Project is implemented in the

manner as envisaged in the said Plan and photographs, the Petitioner's grievance in the present Writ Petition will be satisfactorily redressed.

5. In these circumstances, the Plan signed by the Trustee of the Petitioner and the authorized representative of Respondent No.2 is taken on record and marked 'X' for identification. Similarly, the two photographs signed by the Trustee of the Petitioner and the authorized representative of Respondent No.2 are taken on record and marked 'X-1' and 'X-2', respectively, for identification. Respondent No.2 undertakes to proceed with the said Project in the manner as set out in the said Plan/Photographs. Respondent No.2 makes a statement that the height of the RCC wall to be constructed by it, will be 10 feet. The said statement is accepted.

6. The Petition is disposed of in the aforesaid terms. However, there shall be no order as to costs.

7. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.]

[B.P. COLABAWALLA, J.]