

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 14812 OF 2023

Bhagwanji N. Patel

..Petitioner

Versus

The State of Maharashtra & Ors

..Respondents

ANJALI
TUSHAR
ASWALE

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ANJALI TUSHAR
ASWALE
Date: 2023.12.14
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Mr. Vijay Killedar, Advocates for the Petitioner.

***Mr.A. I. Patel, Addl. G. P., for the State/ Respondent
Nos.1, 4,5.***

**CORAM : B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.**
DATE : DECEMBER 14, 2023

P.C.

The above Writ Petition is filed seeking the following
reliefs:-

“(a) Rule be issued;

(b) This Hon'ble Court be pleased to issue writ of certiorari or any other writ in the nature of writ of certiorari and thereby be pleased to quash and set aside the impugned communication dated 11.08.2023 bearing outward no. NHAI/PIU-Thane/VMEXV/LA/2023-24/1312 issued by the Project Director, Nation Highways Authority of India and General Manager (Technical) (Respondent No. 3);

(c) This Hon'ble Court be pleased to issue writ of mandamus or any other writ in the nature of writ of mandamus and thereby be pleased to direct the Respondent No. 5-Principal Secretary to take appropriate decision in accordance with the

provisions of Section 29 the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, in compliance with the order dated 05.09.2023 bearing outward no. NHAI /ROMum/VME/2023/848 issued by the Respondent No. 2 Regional Officer and Chief General Manager, National Highways Authority of India, after hearing the Petitioner and other claimants, within such period of time as may be specified by Hon'ble High Court."

2 Mr.Killedar, the learned counsel appearing on behalf of the Petitioner fairly stated that he is only pressing the above Petition in terms of prayer clause (c). After hearing Mr. Killedar for some time as well as the learned AGP for the State, we dispose of the above Writ Petition by requesting the Principal Secretary (Respondent No.5) to take a decision on the communication addressed to him by the NHAI dated 5th September, 2023 on or before 1st March, 2024.

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

4 We make it clear that we have not granted any stay on the demolition and the authorities concerned shall be entitled to take action for demolition in accordance with law.

5 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.]