

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14892 OF 2023

Rudrapratap Developers Pvt. Ltd.

.. Petitioner

Versus

Deputy Chief Project Manager, National
High Speed Rail Corporation Ltd. & Ors.

.. Respondents

Mr. Vijay Killedar *for the Petitioner.*

Adv. Sukanya Bhaumik a/w Abdul Kader Lokhandwala *for Respondent No.1.*

Ms. N. M. Mehra *for the Respondent Nos. 2 to 4.*

CORAM : B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.
DATE : NOVEMBER 30, 2023

P. C.

1. The above Writ Petition is filed seeking the following reliefs:

“a. Rule be issued and record and proceeding be called for;

b. This Hon'ble High Court be please to issue writ of mandamus or any other appropriate writ, order in the nature of writ of mandamus and thereby be pleased to direct the Respondent No. 3 – District Collector, Thane to take appropriate decision on the representation dated 18.09.2023 [Exhibit “G”] made by

Page 1 of 3
NOVEMBER 30 2023

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the Petitioner, in accordance with law, within a stipulated period of time as may be decided by this Hon'ble High Court;

c. This Hon'ble High Court may be pleased to restrain the Respondents from taking coercive steps against the Petitioner as regards demolition of the structure/s standing on land bearing Survey Nos. 28, 29, 33 and 34, area admeasuring 1-87-70,1-65-20, 1-91-50, 0-17-70 and 1-86-90 [H-R-P] situate at Village- Dive Anjur, Taluka- Bhiwandi, District- Thane, Maharashtra until survey and measurement of the structure is carried out in accordance with Section 12 of the Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Resettlement Act, 2013, affected area of entire structure/s is ascertained and valuation of the affected area of the structure is carried out as per Section 29 of the Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Resettlement Act, 2013;

2. The learned Advocate appearing for Respondent No.1 has stated that the lands of the Petitioner have been acquired pursuant to private negotiation and a Sale Deed dated 24th February, 2021 has also been entered into for the said purpose. She, on instructions, has stated that only what is acquired under the Sale Deed is going to be demolished and nothing more. The said statement is accepted.

3. The learned Advocate appearing for the Petitioner submitted that once this is the statement, then nothing would really survive in the above

Writ Petition as the apprehension of the Petitioner was that the 1st Respondent would be undertaking demolition of the structures which are not covered under the Sale Deed.

4. The above Writ Petition is accordingly disposed of. No order as to costs.

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.]