

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12349 OF 2017
WITH
WRIT PETITION NO.11227 OF 2016
WITH
INTERIM APPLICATION NO. 15346 OF 2023
IN
WRIT PETITION NO. 11227 OF 2016

Mohan B Vanjari (Bhoi) & Ors	...	Petitioners.
Versus		
The State of Maharashtra & Ors	...	Respondents

WITH
INTERIM APPLICATION (ST.) NO. 33778 OF 2023
IN
WRIT PETITION NO. 11227 OF 2016

Shantabai Ganpat Katavate ... Applicant
versus
Mohan Babu Vanjari (Bhoi) and Ors. ... Respondents

WITH
WRIT PETITION NO.616 OF 2022
WITH
INTERIM APPLICATION (ST.) NO. 25608 OF 2023
IN
WRIT PETITION NO. 616 OF 2022

D.R. Bhoite (Vanjari) & Ors	...	Petitioners
Versus		
The State of Maharashtra & Ors	...	Respondents

Mr.Ashutosh M. Kulkarni with Mr.Sarthak Diwan for the
Petitioners/ Applicants.

Mr.M.M.Pabale, AGP for Respondent Nos. 1 to 5- State.

Mr.Shyamali Gadre with Ms.Harshita Bhanushali i/b. Little and Co.
for the Respondent – MIDC.

Mr. Prashant Chawan with Ms.Shraddha Chheda i/b. Navdeep Vora
and Associates for Respondent Nos. 2 and 3 in WP No. 616 of 2022.

Mr.Nandu Pawar for Respondent No. 6 in WP No. 616 of 2022.

Mr.Shailesh D. Chavan for the Applicant in IA (St.) No. 33778 of
2023.

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**CORAM : NITIN JAMDAR, AND
M.M. SATHAYE, JJ.**

DATE : 15 March 2024.

P.C. :

The learned Counsel for the Petitioners, on instructions, states that in the morning he was instructed not to argue the petitions for the Petitioners without making another alternate arrangement. We place our strong disapproval because we had passed the following order on 21 February 2024 :

*“The learned counsel for the Petitioners seeks time. The petition is pending since 2017. The basic grievance of the Petitioners appears to be non-payment of compensation. The learned counsel for the Respondent- MIDC states that the proceedings for determining the compensation have been initiated, however, due to interim order they have not been taken forward. Stand over to **15 March 2024.**”*

2. On the next date, the learned counsel for the Petitioners would address the Court whether the proceedings for determining the compensation should continue keeping the arguments of the Petitioners regarding quantum open and subject to further orders”.

2. Sum and substance of the arguments of the Petitioners is that this Court should decide what should be the compensation for compulsory acquisition. Though there has been suggestion in the earlier orders that the matter could be worked out amicably, acquisition by negotiation has failed. The next step is of compulsory acquisition.

3. Chapter VI of the Maharashtra Industrial Development Act, 1961 (the MID Act) deals with acquisition and disposal of land. Section 32 of the MID Act deals with compulsory acquisition. Section 33 of the MID Act provides for compensation in which first part refers to compensation by way of agreement and the second part states about determination of the amount of compensation by compulsory acquisition. Under Section 34 of the MID Act, appeal is provided to person aggrieved by the decision of the Collector determining the amount of compensation. Section 33 of the MID Act contemplates certain procedures for determining the amount of compensation which the Respondents are duty bound to follow. Thereafter, Section 35 of the MID Act provides for disputes as to apportionment.

4. Therefore, once the acquisition through negotiation has not taken place, the Respondents cannot be restrained from proceeding further under Section 33 of the MID Act. If the Petitioners are aggrieved by the decision of the Collector determining the amount of compensation, then they have a remedy of an appeal.

5. In light thereof, we do not find it necessary to restrain the Respondents from proceeding any further as per Section 33 of the MID Act. Keeping it open to the Petitioners to raise all such objections in the appeal, if they are aggrieved by the quantum, we dispose of the writ petitions. The learned AGP states that generally six weeks' time is taken to declare the Award.

6. As regards rights of the Intervenor are concerned, the Intervenor, if has any right, remedy under Section 35 of the MID Act would have as to apportionment.

7. In view of disposal of the writ petitions, nothing survives in the interim applications and the same are accordingly disposed of.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)