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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

PUBLIC INTEREST LITIGATION NO.28 OF 2022

Bharat Tukaram Navale ... Petitioner

V/s.

The State of Maharashtra, through
Ministry of Revenue & Forest Dept.,
& Ors. ... Respondents

**WITH
INTERIM APPLICATION NO.9277 OF 2024
IN
PUBLIC INTEREST LITIGATION NO.28 OF 2022**

Additional Chief Secretary,
Revenue & Forest Department,
Mantralaya, Mumbai ... Applicant

In the matter between

Bharat Tukaram Navale ... Petitioner

V/s.

The State of Maharashtra, through
Ministry of Revenue & Forest Dept.,
& Ors. ... Respondents

Mr. Tejesh Dande with Mr. Vishal Navale, Mr. Bharat Gadhavi, Mr. Pratik Sabrad, Ms. Trushna Shah, Ms. Mansi Dande, Mr. Sarvesh Deshpande and Mr. Pratik Ingle, i/by Tejesh Dande & Associates, for the petitioner.

Mr. P.P. Kakade, Government Pleader with Mr. O.A. Chandurkar, Additional Government Pleader, Mr. M.M. Pabale, Additional Government Pleader, for State – respondent Nos.1 and 3 to 41.

Mr. G.S. Hegde, Senior Advocate i/by Ms. P.M. Bhansali for CIDCO – respondent No.2.

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ &
AMIT BORKAR, J.**

DATED : JUNE 19, 2024

P.C.:

1. Heard learned counsel for the petitioner, Mr. Kakade, learned Additional Government Pleader appearing for the State – respondents. Mr. Hegde, learned Senior Advocate representing City and Industrial Development Corporation (CIDCO) has also been heard.

2. This public interest litigation petition (“PIL petition”, for short) expresses grave concern and highlights the plights of those individuals whose land(s) have been subjected to compulsory acquisition by the State / its authorities under the Land Acquisition Act, 1894.

3. This PIL petition has been filed by a practicing lawyer who has vast experience of legal practice in various areas, including in the area of land acquisition.

4. The concern expressed in the PIL petition pertains to: (i) delay in proceedings under Sections 18 and 28A of the Land Acquisition Act, 1894; (ii) delay in execution proceedings pending before the Civil Courts; (iii) inordinate delay exhibited by the State authorities in making deposit of the compensation amount which ultimately results in delayed payment to the land owner(s) whose land(s) are acquired; (iv) absence of any guideline to expedite the proceedings under the Land Acquisition Act, 1894 at various stages.

5. Learned counsel for the petitioner has drawn our attention to certain orders passed by the Civil Courts dealing with the execution proceedings, which, according to him, manifest indifference on the part of the State authorities, as also some times on the part of Courts dealing with such matters. So far as expeditious disposal of the execution proceedings and other proceedings under the Land Acquisition Act, 1894 are concerned, he has also drawn our attention to an order passed by a coordinate Bench of this Court way back on 9 January 2001 in Writ Petition No.7263 of 2000 connected with Writ Petition Nos.7264 to 7305 of 2000, whereby the Court had, on finding that the decrees passed by the Courts were not being executed expeditiously, expressed a kind of dismay and observed that the executing Court must act with promptitude, particularly in land acquisition cases where hardly any dispute arises in the course of execution.

6. In these background facts, the prayers made in the PIL petition are as follows:

"a. This Hon'ble Court may kindly be pleased to direct Respondent No.1 to furnish data in respect of pending Land Acquisition references filed under Sections 18, 28 (A) and 28 (A) (3) of the Land Acquisition Act, 1894, before various Courts in Maharashtra; and further be directed to furnish the details of cases where the State Government has yet to deposit/ pay the decretal amounts awarded by Civil Courts and Land Acquisition Authority;

b. This Hon'ble Court may kindly be pleased to frame guidelines for early disposal of the Land References/ Land Acquisition proceedings and proceedings filed

under Sections 18, 28 (a) and 28 (a) (3) of the Land Acquisition Act, 1894; and also the Execution proceedings filed under Land References, pending before various Courts in the State of Maharashtra, as pleaded in Paragraph No.55 (a) to (e) of the Petition;

c. This Hon'ble Court may kindly be pleased to issue a writ of mandamus of any other writ, order or direction in the like nature thereby directing the Respondent No.1 & 2 to comply with the Government Circular dated 26.09.1990 (Ex. "H") and Government Resolution dated 03.11.2016 (Ex. "L") in its letter and spirit;

d. This Hon'ble Court may kindly be pleased to direct all the subordinate courts in Maharashtra to dispose off all the execution proceedings expeditiously, where there are no restraining orders passed by the Higher Courts and which are pending before it for want of compliance by the Respondent No.1 & 2, and in any case within next six months;

e. Pending the hearing and final disposal of the present petition, the Respondent No.1 & 2 may kindly be directed to comply with the Government Circular dated 26.09.1990 (Ex. "H") and Government Resolution dated 03.11.2016 (Ex. "L") in its letter and spirit;

f. Pending the hearing and final disposal of the present petition, all the subordinate courts in Maharashtra may kindly be directed to dispose off all the execution proceedings expeditiously, where there are no restraining orders passed by the Higher Courts and which are pending before it of want of compliance by the Respondent No.1 & 2, and in any case within next six months;"

7. When we consider the prayers made in this PIL petition, what we find is that the prayers made are general and omnibus in nature. We are of the opinion that even if the

prayers made in this PIL petition are granted in its entirety by the Court, it will not be possible for the Court to monitor individual cases of land acquisition where the land owner(s) from whom land has been acquired by the State are not granted timely compensation and other benefits. The Court is further of the opinion that, of course, if any individual case is brought to the notice of the Court where there has been delay which is inordinate and unexplained on the part of the State or other authorities in grant of compensation and other related benefits on acquisition of land, the Court may pass appropriate orders. However, granting general prayers as made in this PIL petition, in our opinion, will not serve the cause of the land oustees.

8. The learned counsel for the petitioner has drawn our attention to a scheme of guidelines suggested in this PIL petition, which finds mentioned in paragraph 55. It has been prayed that to mitigate the problems and difficulties of the land oustees on account of land acquisition, the Court may frame certain guidelines for expeditious disposal of the matters pending in the Courts relating to land acquisition and also for expeditious disbursement of the amount of compensation and other related benefits.

9. Framing guidelines will involve taking up a policy decision, which, in our opinion, is the preserve of the State Government. Any guideline to be framed by any authority, including this Court, would necessarily involve gathering necessary information and data and thereafter analyzing such information and data, which would not be possible for the

Court in exercise of its jurisdiction under Article 226 of the Constitution of India. In such a situation, it will be more appropriate if the State Government itself considers the plight of the land owners as highlighted in this PIL petition and takes some policy decision and frame guidelines to expedite the land acquisition proceedings and proceedings for payment of compensation within a time-frame.

10. In the light of the aforesaid discussion, we dispose of this PIL petition with the following directions:

(a) For expeditious disposal of the execution proceedings and other proceedings pending in the Courts and also for ensuring timely payment of compensation and other related benefits to the land oustees, the State Government shall frame appropriate guidelines within a period of four months from today;

(b) Such guidelines shall be circulated to all concerned, and it shall be the duty of the department concerned to ensure that the guidelines are implemented and followed in their letter and spirit;

(c) For the purpose of framing guidelines, we permit the petitioner to make his suggestions to the concerned department within a fortnight;

(d) In the proceedings pending under Sections 18 and 28A of the Land Acquisition Act, 1894, it will be open to the parties concerned to make appropriate application before the Court concerned seeking expeditious disposal of the proceedings,

and in case such application is made, same shall be considered by the Court concerned with utmost seriousness and expedition;

(e) We further direct that in such proceedings where the State, its authorities and instrumentalities are parties, they shall fully co-operate for expeditious disposal of the proceedings before the Court concerned;

(f) This order shall be placed before the Registrar General of this Court for taking steps to issue an appropriate circular to the Courts in the State of Maharashtra for ensuring expeditious disposal of the proceedings under Section 18 and 28A of the Land Acquisition Act, 1894, including execution proceedings;

11. We make it clear that notwithstanding disposal of this PIL petition in the aforesaid terms, it will always be open to an individual to approach the Court / any other forum, which may be available to him in law, for redressal of his individual grievances.

12. There will be no order as to costs.

13. All pending interlocutory application(s), if any, stand disposed of in these terms.

(AMIT BORKAR, J.)

(CHIEF JUSTICE)