

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9112 OF 2024
ALONG WITH

WRIT PETITION NO. 9113 OF 2024
ALONG WITH

WRIT PETITION NO. 9114 OF 2024
ALONG WITH

WRIT PETITION NO. 9115 OF 2024
ALONG WITH

WRIT PETITION NO. 9116 OF 2024

M/s. Jasa Lumbaji & Co.

...Petitioners

Versus

The Collector of Raigad, and the District
Resettlement Officer, Raigad & Ors

...Respondents

Mr. Rohan Mahadik, Mr. Amit Kamble, Ms. Rachana Karad, Ms. Mekhala More
i/b The Juris Partners, for the Petitioners.

Ms. M.S. Bane, AGP in WP/9112/2024 and WP/9113/2024.

Mr. Prashant P. More, AGP for Respondent Nos.1 to 4 - State in
WP/9114/2024, WP/9115/2024, WP/9116/2024.

CORAM : G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.

DATE : 22 NOVEMBER 2024

P.C.:

1. We have heard learned counsel for the petitioners on this batch of
petitions. The petitioners are common. As also the prayers in the petitions are

also similar. These petitions hence are disposed of by this common order.

Illustratively, we note the prayers as made in the petition which read thus :-

“a. That this Hon’ble Court be pleased to pass an order thereby directing the Respondents to pay compensation to the petitioners as per section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013; in respect of acquisition of said land to the petitioners.”

2. It appears to be not in dispute that the land in question which is claimed to be of ownership of the petitioners was subject matter of acquisition for the Diva-Panvel-Uran Railway Line, for which acquisition proceedings had commenced on 1 September 1961. It is not in dispute that notification under Section 4 of the Land Acquisition Act and thereafter, the procedure under Section 6 of the Land Acquisition Act, 1894 was followed culminated into an award acquiring the petitioner’s land was published on 29 June 1965 (page 21). Copy of the award is annexed to the Writ Petition at Exhibit-B page 20. Possession of the land was also handed over by the petitioners to the Special Land Acquisition Officer on 23 July 1965 and certificate to that effect is annexed to the petition at Exhibit B page 20.

3. It is on such premise, the petitioners are before the Court to submit that the petitioners have not been paid compensation and therefore, the compensation is required to be paid as per the provisions of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short “**2013 Act**”) in that regard, as clearly seen from the prayers. It appears from the record that after the year 1965, the petitioners made a representation to respondent No.1 that the

petitioners have not been paid compensation for the first time on 16 May 2023 and thereafter, on 24 May 2023 and 1 June 2023. It is thus a representation after 54 years from the acquisition of the land. This is the very foundation for the petitioners to make the prayers in the petition. It is the petitioners' case that such representations were followed up and ultimately Advocate's notice dated 22 November 2023 was issued, however, no reply was received. Petitioners also made applications to the authorities under Right to Information Act, 2005 to inquire whether compensation was paid however, such right to information applications were responded by communication dated 3 November 2023 that such information was not available and it is for that reason that the present petitions were filed.

4. At the outset, when a query was made to the learned counsel for the petitioners as to why from 1965 and 2023 which is for a period of 54 years, the petitioners did not prosecute its rights, if any, of demanding compensation, as to whether there are any averments explaining such delay, learned counsel for the petitioners is unable to point out anything from the petition to this effect as there is none. In this context, we have noted the averments as made in paragraph 17 of the petition which states that there is no delay in filing the present petition. The averments read thus:

"17. The Petitioners are approaching this Hon'ble Court as expeditiously as possible and there is no delay in filing the present Writ Petition."

5. Admittedly, the present petitions were filed on 5 December 2023 where there is a delay of about 54 to 55 years for the petitioners to approach this Court

in filing these petitions. It is simply impossible to accept such writ petition with such gross of delay to entertain the petitions praying for such reliefs and merely for the reason that the petitioners have received Right to Information Act application that compensation is not paid. There is nothing on record to indicate that at any point of time after the award was rendered or possession was handed over in the 1965, the petitioners had pursued their cause. Even assuming that they have pursued their cause, it was necessary that the petitioners assert their right at the relevant time and within a reasonable period as the settled principles of law in that regard would go.

6. The learned counsel for the petitioners have although not disputing the delay has intended to place reliance on the decision of the Supreme Court in the case of *Kolkata Municipal Corporation and Anr. vs. Bial Kumar Shah and Ors.*¹ to submit that the owner of the land would have right under Article 300-A of the Constitution of India. There cannot be any dispute on such proposition. However, in the facts of the present case, this decision would be applicable and more particularly, for the reasons which we have discussed above.

7. In light of the above discussion, looked from any angle and including on the ground of gross and inordinate delay and laches, such prayers cannot be entertained. The petitions are accordingly dismissed. No costs.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]

¹ 2024 SCC OnLine SC 968