

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12243 OF 2024

Manekben Rama Tandel

... Petitioner

Versus

The Collector, Daman & Ors.

... Respondents

Mr. T. D. Deshmukh, i/b. Manoj Badgujar, for the Petitioner.

Mr. Hiten S. Venegavkar, a/w. Harsh Dedhia, for the Respondents.

Mr. Mitesh Pathak, Superintendent Land Officer, present.

**CORAM: G. S. KULKARNI &
FIRDOSH P. POONIWALLA, JJ.**

DATED: 10 OCTOBER 2024

P.C.

1. This Petition under Article 226 of the Constitution of India is filed praying for the following substantive relief under prayer Clause (b):

“(b) By grant of appropriate writ, order or direction, this Hon’ble Court may be pleased to quash and set aside (I) declaration dated 02.08.2024 bearing outward No. 03/119/LND-ACQ/2023-24/3070 (ii) notice dated 08.08.2024 bearing outward No. 3/119/LND-ACQ/2023-24/3447 and further be please to quash and set aside entire acquisition proceedings.”

2. Reply affidavit on behalf of the Respondent, Mr. Saurabh Mishra, Collector, Daman is placed on record.

3. We have heard Mr. Deshmukh, learned counsel for the Petitioner and Mr. Venegavkar, learned counsel for the Respondents.

4. We have also perused the report dated 29th June 2024 prepared by the Land Acquisition Collector, Daman as per the provisions of Sub-Section 2 of Section 15 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 [for short “the 2013 Act”]. The Primary concern of the Petitioner was that copy of such report was not furnished to the Petitioner, as also some of the objections which were raised by the Petitioner, that is their objections as raised in reply to the notice issued under Section 11, by her letter dated 7th March 2024 [Exhibit ‘L’, page 148] has not been dealt by the Land Acquisition Collector, Daman in the report. However, according to Mr. Venegavkar, the report considers all such objections. We have perused the report. We were of the prima-facie opinion that all the objections as raised by the Petitioner were required to be dealt in detail by the Land Acquisition Collector.

5. Responding to our observations, Mr. Venegavkar, on instructions, of the Land Acquisition Collector has made a statement that Land Acquisition Collector is not averse to hear the Petitioner on the Petitioner’s objections dated 7th March 2024 and prepare a fresh report under Sub-Section 2 of Section 15 of the 2013 Act, and accordingly proceed with in accordance with law with the Land Acquisition proceedings.

6. In our view, as a fair stand is taken on behalf of the administration, we need not adjudicate the proceedings any further and can dispose of this Petition keeping open all contentions of the parties, leaving it to the Land Acquisition Collector to hear the Petitioner on the objection as raised by the Petitioner on 7th March 2024 and prepare a fresh report in accordance with law. Let such exercise be completed within 15 days from today.

7. In view of denovo report being prepared, Mr. Venegavkar has also stated that a fresh Notification under Section 21 would be published, in the event, the objections as raised by the Petitioner found to be not acceptable by the UT Administration.

8. The Petition stands disposed of accepting the statements as made by Mr. Venegavkar on behalf of the Respondents.

9. All contentions of the parties on the Land Acquisition proceedings are expressly kept open.

10. Petition is disposed of in the above terms. No costs.

(FIRDOSH P. POONIWALLA, J.)

(G. S. KULKARNI, J.)