



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12611 OF 2024

Ramji Bablu Bhasra

... Petitioner

Versus

The Administrator of Dadra and Nagar Haveli and
Daman and Diu & Ors.

... Respondents

Mr. Manoj Patil a/w. Mr. Shubham Dhenge for the petitioner.

Mr. Hiten Venegaonkar a/w. Mr. Vishal Rathod for the respondents.

CORAM: G. S. KULKARNI &
SOMASEKHAR SUNDARESAN, JJ.
Date : 4 September, 2024

PC:

1. This petition under Article 226 of the Constitution is filed praying for the following reliefs:

“a) Rule be issued. Record and proceedings be called for.

b) That this Hon'ble Court be pleased to issue writ of mandamus and or any other appropriate writ, order and or direction and to declare that the Respondents No. 1 to 7/Government Authorities have no right, title and interest in respect of the Petitioners land of Survey No. 166 Part-2 area admeasuring 345 sq.mts. out of total area of 3067 sq.mts. situated at village Khanvel-Dadra and Nagar Haveli without its acquisition by declaring an award u/s 23 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

c) That this Hon'ble Court be pleased to issue writ of mandamus and or any other appropriate writ, order and or Kiran Kawre: direction and to direct to the Respondents No. 1 to 7 not to disturb and or create any obstruction to the Petitioners with regard to the property of Survey No.

166 Part-2 area admeasuring 345 sq.mts. out of total area of 3067 sq.mts. situated at village Khanvel-Dadra and Nagar Haveli without its acquisition by declaring an award u/s 23 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

d) That this Hon'ble Court be pleased to issue writ of mandamus and or any other appropriate writ, order and or direction and to direct to the Respondents No. 5 to 7 i.e. Ld. Tahsildar of Khanvel, Ld. Circle Officer of Khanvel and Ld. Talathi of Khanvel not to do an illegal demolition of the Petitioners house property/structure and not to take an illegal and forceful possession of the Petitioners House Property standing on Survey No. 166 Part-2 area admeasuring 345 sq.mts. out of total area of 3067 sq.mts. situated at village Khanvel-Dadra and Nagar Haveli.

e) That this Hon'ble Court be pleased to issue writ of mandamus and or any other appropriate writ, order and or direction and to direct to the Respondents No. 1 to 3 to constitute a committee for departmental enquiry and to No. 5 to 7 i.e. Ld. initiate an enquiry against the Respondents Tahsildar of Khanvel, Ld. Circle Officer of Khanvel and Ld. Talathi of Khanvel for their alleged illegal act, action and conduct for taking the illegal forceful possession of the Petitioners landed property bearing Survey No. 166 Part-2 area admeasuring 345 sq.mts. out of total area of 3067 sq.mts. situated at village Khanvel-Dadra and Nagar Haveli, and to take necessary punitive action against the said officials under the provisions of Maharashtra Civil Services [Discipline and Appeal] Rules, 1979.

f) That this Hon'ble Court be pleased to issue writ of mandamus and or any other appropriate writ, order and or direction and to direct to the Respondents No. 1 to 7/Government Authorities to strictly comply with the provision of Article 300-A of the Constitution of India and provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 during the course of acquisition of Petitioners land of Survey No. 166 Part-2 area admeasuring 345 sq.mts. out of total area of 3067 sq.mts. situated at village Khanvel-Dadra and Nagar Haveli.

g) That this Hon'ble Court be pleased to issue writ of mandamus and or any other appropriate writ, order and or direction and to direct to the Respondents No. 1 to 3 to take an action against the Respondents No. 5 to 7 i.e. Ld. Tahsildar of Khanvel, Ld. Circle Officer of Khanvel and Ld. Talathi of Khanvel for gross violation of the provision of Article 300-A of the Constitution of India and provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation

and Resettlement Act, 2013.

h) That this Hon'ble Court be pleased to issue writ of mandamus and or any other appropriate writ, order and or direction and to direct to the Respondents No. 5 to 7 to pay compensation of Rs. 25,00,000/- to the Petitioner from their own pocket for the wilful act, action, conduct, behaviour and for the failure to discharge the officials duties and for wilful commission of an illegal act and action against the Petitioner and his property of Survey No. 166 Part-2 area admeasuring 345 sq. mts. out of total area of 3067 sq. mts. Situated at village Khanvel-Dadra and Nagar Haveli.”

2. As seen from the reliefs, the issue is in regard to the acquisition of land, which includes the land of the petitioner admeasuring 345 sq. mtrs. which is being acquired for New Government Industrial Training Institute, Khanvel. The UT Administration is represented by Mr. Venegaonkar.

3. The primary contention of the petitioner is to the effect that the petitioner has a house property on the land, which is subject matter of acquisition and there is likelihood that the UT Administration may take steps to demolish the house without completing the acquisition proceeding. The instance of adjoining land and structure which is demolished is set out as an illustration to support the petitioner's case.

4. Mr. Venegaonkar on the instructions of Mr. Amit Kumar, SDM Khanvel/Deputy Collector, who is present in the Court makes a statement that the petitioner's apprehension that the house of the petitioner would be

subject matter of acquisition and/or is part of the area earmarked for acquisition is not correct. He submits that the land on which the petitioner's house is situated is not the land which is demarcated for acquisition, which according to him is clear from the map prepared for acquisition by the concerned officials of the UT Administration. He, therefore, submits that the apprehension of the petitioner that the house of the petitioner would be subject matter of acquisition and/or demolition is not correct. He also states that no illegal action of demolition was resorted by the UT Administration inasmuch as the demolition under the acquisition which was undertaken was in respect of structure which was situated on the land belonging to UT Administration itself being the Government land, which was already vacated by the occupants.

5. In this view of the matter, accepting the statement as made by Mr. Venegaonkar, Mr. Patil has fairly stated that the petitioner would withdraw this petition, however, keeping open all contentions if the petitioner has any grievance on other issues in relation to the acquisition. The stand of the petitioner is fair. We permit the petitioner to withdraw the petition, however, accepting the statement as made on behalf of the UT Administration as noted above. All contentions of the petitioner in any

future dispute are expressly kept open.

6. Needless to observe that insofar acquisition of 345 sq. mtrs. of land is concerned, the UT Administration shall follow the lawful process for acquisition as already set into motion.

7. Disposed of. No costs.

(SOMASEKHAR SUNDARESAN, J.)

(G. S. KULKARNI, J.)