

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12658 OF 2024

U.S. Infra Housing Pvt. Ltd.
through authorised person Maruti Shingare ... Petitioner

Versus

1. Sub-Divisional Officer, Panvel
acting as Land Acquisition Officer ... Respondents
& 3 Ors.

Mr. Satish S. Raut, for petitioner.
Ms. M.S. Bane, AGP, for Respondent No.1-State.
Mr. Ashutosh M. Kulkarni a/w. Mr. Akshay Kulkarni, for Respondent No.2.

CORAM: G.S. KULKARNI &
SOMASEKHAR SUNDARESAN, JJ.

Date : September 19, 2024

P.C.

1. We have heard learned counsel for the parties on the present petition.

This petitioner has prayed for the following substantive reliefs :

(a) *Rule be issued.*

(b) *This Hon'ble Court be pleased to issue writ of certiorari or any other writ, order of direction in writ of certiorari, thereby quashing and setting aside the judgment and orders dated 02.02.2024 [Exhibit - 'H' Collectively] bearing outward no. क्र. उविअ/भू.सं./कात- 5/2024/651 and क्र. उविअ/भू.सं./कात- 5/2024/658 passed by the Sub Divisional Officer, Panvel being the Land Acquisition Officer under Section 15(4) of the Maharashtra Highways Act, 1955 by virtue of which representations dated 15.09.2023 and 25.09.2023 made by the Petitioner under Section 19C(4) of the said Act came to be rejected.*

(c) That this Hon'ble Court be pleased to direct the Respondent No.1 to refer the dispute to the decision of the principal civil court of original jurisdiction within the limits of whose jurisdiction the land is situated as contemplated in Section 19(c)4 of Maharashtra Highways Act, 1955.

2. In regard to the land subject matter of acquisition in which the petitioner is asserting rights on the basis that the petitioner has purchased the land from respondent No.3, the petitioner has approached the Sub-divisional Officer Panvel ("SDO")/Land Acquisition Officer praying that the dispute in regard to the apportionment of compensation may be referred to the Civil Court. However, it appears that the petitioner did not support his case placing on record of the SDO any documents and primarily relied on the documents which were submitted by respondent No.3 in his independent application. It is considering such defective application as filed by the petitioner, the Sub-divisional Officer/Land Acquisition Officer passed the impugned order dated 2 February, 2024 rejecting the petitioner's application on the ground that no documents were submitted in support of his application. The petitioner is accordingly before the Court praying for the reliefs as noted by us hereinabove.

3. Learned counsel for the petitioner submitted that the petitioner is ready and willing to submit all the documents and that the stand taken by the petitioner to support his case on the basis of the documents submitted by respondent No.3 was not the appropriate course of action.

4. Without examining the merits of the rival contentions, we are of the opinion that if the petitioner has any documents demonstrating any right, title or interest in respect of the land subject matter of acquisition, the petitioner in that event, is at liberty to move a fresh and a proper application with the SDO with all the supporting material. Let the same be filed within three weeks from today.
5. Needless to observe that the Sub-divisional Officer/Land Acquisition Officer shall take into consideration all such documents and after hearing all the necessary parties, pass an appropriate order on such application without being influenced by the observations made in the impugned order.
6. All contentions of the parties are expressly kept open.
7. Disposed of in the aforesaid terms. No costs.

(SOMASEKHAR SUNDARESAN, J.)

(G.S. KULKARNI, J.)