



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 16858 OF 2024

Meenakshi Balaso Magdum & Ors.

... Petitioners

Versus

G.B. Industries Reg. Partnership Firm, through its
partners & Ors.

... Respondents

Mr. R.M. Haridas a/w. Mr. Prasad P. Kulkarni, Ananda Chavan and
Somnath Thengal for the petitioners.

Mr. Rajan S. Pawar, AGP for the State/respondent nos. 2, 3 and 5.

Ms. Kanchan Phatak i/b. Mr. Nitin Deshpande for respondent no. 4.

CORAM: G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.
Date : 21 November, 2024

PC:

1. We are informed by Mr. Haridas, learned counsel for the petitioners that respondent nos. 1A and 1B have filed a Writ Petition in this Court raising issues, similar to the subject matter of the present proceedings, namely, the acquisition of the land of the ownership of the petitioner for the Kolhapur Airport.

2. The case of the petitioner is that respondent nos. 1A and 1B were licencees of the petitioner under a Leave and Licence Agreement, hence they would not have any legal right of the nature of ownership or otherwise except what the licence would confer. His contention is that the Collector,

Kolhapur/respondent no. 2 as also the Competent Authority/respondent no. 3 are playing at the hands of respondent no. 1 and are not proceeding with the acquisition giving some credence to the case of these respondents although not explicitly. This despite a specific order passed by the Civil Court in a Civil Suit, which does not recognize any legal right of respondent nos. 1 A and 1 B.

3. *Prima facie* we see substance in the contentions as urged on behalf of the petitioners. We need to hear respondent nos. 1 A and 1 B, as to whether merely on a Leave and Licence Agreement any right questioning acquisition or any right in the compensation can at all be claimed by respondent no. 1 A and 1 B and that too after the substantive relief in this regard having being rejected or not granted by the Civil Court.

4. Considering such conspectus, we are more concerned with the approach of the Collector as also the Competent Authority, Sub-Divisional officer Karveer as to why the land acquisition proceedings are delayed to the prejudice of the petitioner.

5. Issue notice to respondent nos. 1 A and 1 B, returnable on 28 November, 2024. Learned advocate for the petitioners is permitted to serve respondent nos. 1 A and 1 B by all permissible modes and place on record an affidavit of service before the returnable date. If despite service respondent nos. 1 A and 1 B

are not represented on the adjourned date of hearing, the Court shall proceed to hear the appearing parties considering that respondent nos. 1A and 1B are not interested to contest the present proceedings.

6. Accordingly, list this petition on **28 November, 2024 (H.O.B.)** along with Writ Petition (St.) No. 27634 of 2024 filed by respondent nos. 1A and 1B.

7. Let copy of this order be also forwarded by the learned AGP to the concerned officer.

(ADVAIT M. SETHNA, J.)

(G. S. KULKARNI, J.)