

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.18877 OF 2024

Krishnabai Gangaram Chavan and Ors.Petitioners

Vs.

The Competent Authority, Cum-Sub-Divisional
Officer Bhiwandi Div and Ors.Respondents

Mr. S. N. Rajpurohit for the Petitioner.

Ms. M. S. Bane, AGP for the State, Respondent Nos. 1 to 4.

**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.**

DATE : 17th DECEMBER, 2024

P.C. :-

1. This petition does not pertain to the assignment of this Court. Since the bench allotted with the roster assignment was not available on 16th December, 2024 and 17th December, 2024, that the learned Advocate for the Petitioner mentioned this matter yesterday citing grave urgency. Hence, listed in the supplementary board today.

2. The Petitioners were residents of Village Lamaj, Taluka Jawali, District Satara. When the land was acquired, for the

construction of the Koyna Dam, these Petitioners were declared to be projected affected persons (PAP). They came to be rehabilitated and resettled in Survey No.21(Old Survey No.77A) in Village Supegaon, Post Angaon, Tal Bhiwandi, District Thane, in the year 1963-65. They constructed their houses on the land allotted to them bearing Survey Nos. 21/1 and 21/2. In 1993, a separate gram panchayat was constituted which included Village Lamaj Post Angaon Tal Bhiwandi. The Gaathan of Village Lamaj is in Survey No.21 admeasuring 9H 99R. The Petitioners planted fruit bearing trees like Mango, Coconut, Cashew Nut, Guava, Jackfruit, Orange, Lemon, Payapa, Custard Apple (Sitafal) and Ramphal and teak wood.

3. A notification was issued on 5th July, 2016 under Section 3A(1) of the National Highways Act, 1956, notifying certain lands from eight villages, for being acquired for a public project of widening/four-laning of the Mumbai-Vadodara Expressway. The notification was published in the Gazette of India on 5th July, 2016.

4. The Petitioners have set out in the pleadings that their house properties and their fruit bearing trees, bore well etc. has been

taken into account for granting compensation. And these Petitioners have received compensation for the house and the trees, ranging between Rs.3,62,487/- to Rs.38,49,398/-. Their grievance is that the lands on which they have constructed their homes, are not being considered for the purposes of granting compensation.

5. There is no pleading by the Petitioners as to whether they had returned 75% of the compensation for the lands which were acquired in the Koyna project, after retaining the 25% of the compensation amount and on account of such return, the alternate lands in Village Lamaj were allotted to them.

6. The issue that is taken up in this petition is whether the Petitioners are entitled for the compensation to the extent of the lands which have been excluded from compensation in the Mumbai-Vadodara Expressway project.

7. **Issue notice to the Respondents**, returnable on **4th February 2025**. The learned AGP waives service of notice on behalf of Respondent Nos. 1 to 4.

8. Since a public project is involved, and as the Petitioners have already been compensated for their houses and the fruit bearing trees, we direct that the Petitioners would vacate the said houses and would not obstruct a public project.

9. Though the impugned letter dated 10th December, 2024 allots 7 days time to the Petitioners to vacate the premises, we are granting 30 days for vacating the premises, effective from 10th December 2024 onwards. We make it clear that after the affidavits-in-reply have been filed by the Respondents, if we conclude that the Petitioners are entitled for the compensation even for the land area, we would direct payment of such compensation with statutory interest for delayed payment and all such components, as are statutorily payable to the Petitioners.

10. All office objections be removed on or before 15th January 2025, failing which, the Petition would stand dismissed without reference to the Court, on 16th January 2025.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)