

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 787 OF 2024

Prashant Janardhan Patil & Ors.

...Petitioners

Versus

Government Of Maharashtra & Ors.

...Respondents

Mr. J. M. D'silva i/b. Adv. Jacqueline D'silva for the Petitioners.

Mr. Sagar Patil a/w. Adv. Shilpa Redkar for the Respondent Nos. 2, 5 to 7

Mr. Abhay Patki, Addl. GP for the Respondent Nos. 1, 3, 4 & 8

CORAM : NITIN JAMDAR &
M. M. SATHAYE, JJ.

DATED : 6 MARCH, 2024

P.C.:

1. Heard learned Counsel for the parties.
2. The Petitioners have relied on Section 94 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short "*the Act of 2013*"). The Petitioners contend that the effect of the notice issued under section 21 of the Act of 2013 *qua* the Petitioners property, according to the Petitioners is that only part of the structure is being acquired, even though, the Petitioners have expressed their desire that whole of such premises will be acquired, According to the Petitioners once such desire is expressed, then section 94(1) of the Act of 2013 would come into picture.

3. We are informed that upon the notice so issued, the hearing on the response of the Petitioners is scheduled tomorrow i.e. 7 March 2024. Therefore, instead of dealing with the Petition at this stage, which according to us is premature, we leave it open to the Petitioners to take the appropriate stand before the Authority during the hearing. The Petitioners will place the stand in writing that the Petitioners are ready for the entire structure to be acquired. Thereupon the authority, who will give hearing will proceed as per law, taking into consideration the stand of the Petitioners. As to what the response of the authority shall be, we leave it open to that authority to take the decision as per law.

4. The Writ Petition is accordingly disposed of.

(M. M. SATHAYE, J.)

(NITIN JAMDAR, J.)