

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

WRIT PETITION NO. 942 OF 2024

Suresh Narayan Kakde & Ors. ...Petitioners
Versus
The State of Maharashtra & Ors. ...Respondents

WRIT PETITION NO. 1923 OF 2019

Tulsiram Devidayal Charity Trust & Ors. ...Petitioners
Versus
The State of Maharashtra & Ors. ...Respondents

Mr. Ranjit Thorat, Senior Advocate i/b Balasaheb Deshmukh for Petitioners in WP/942/2024.

Mr. Noorain Patel i/b Diamondwala & Co. for Petitioners in WP/1923/2019.

Smt. Usha Rahi, AGP for State in WP/942/2024.

Smt. Uma Palsuledesai, AGP for State in WP/1923/2019.

Mr. Jagdish G. Aradwad (Reddy) for Respondent No.2 SRA in WP/942/2024.

Mr. Abhijit P. Kulkarni with Gourav Shahane, Ms. Sweta Shah, Mr. Krushna Jaybhay for Respondent No. 2 SRA in WP/1923/2019.

Mr. Mayur Khandeparkar with Mr. Prerak Sharma for Respondent No. 5 in WP/1923/2019.

Mr. A. S. Khandeparkar, Senior Advocate with Mr. Sahil L. Shah for Respondent No. 4 in WP/942/2024 and Respondent No. 6 in 1923/2019.

CORAM: G. S. KULKARNI &
SOMASEKHAR SUNDARESAN, JJ.
DATED: 16th July 2024.

P.C.

1. In so far as Writ Petition No. 1923 of 2019 is concerned, Mr. Mayur Khandeparkar, learned counsel for respondent no.5, on instructions states that his client intends to file reply affidavit. Mr. Abhay Khandeparkar, learned

senior counsel for respondent no.6 states that his client also intends to place on record reply affidavit. It is stated that the SRA has already filed its reply affidavit.

2. Let such reply affidavits be filed within one week from today. Rejoinder, if any, be placed on record within one week thereafter.

3. In so far as Writ Petition No. 942 of 2024 is concerned, Mr. Mayur Khandeparkar, learned counsel for respondent no.3 intends to place on record an additional reply affidavit on behalf of his client. Let the same be also filed within one week from today. Copy of the same be served on all the parties. Rejoinder, if any, be placed on record on or before the adjourned date of hearing.

4. We may also record that in so far as issue of payment of compensation for the land in question is concerned, the SRA has already filed affidavit making averments in that regard. However, Mr. Aradwad (Reddy), learned counsel for the SRA, on instructions, states that as to what has been said in the affidavit may not be the accurate position. He states that the SRA intends to place on record a clarificatory affidavit in this regard. He submits that the compensation was offered, however, it was not received by the owners/trust. He states that the compensation amount was deposited by the SRA with the Civil Court. These are the clarifications, which SRA now intends to place on

record. It is necessary that the correct position needs to come on record. Accordingly, we permit the SRA to file such clarificatory affidavit. Let the same be filed within one week from today. Copy of the same be served on the petitioners and all the respondents. Rejoinder, if any, be placed on record on or before 01 August, 2024.

5. Stand over to 08 August, 2024.

6. Interim reliefs, if any granted earlier, shall continue to operate till the adjourned date of hearing.

(SOMASEKHAR SUNDARESAN, J.)

(G. S. KULKARNI, J.)