

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

WRIT PETITION NO.1011 OF 2024

Santakumari Govind Belcheda .... Petitioner

V/s.

State of Maharashtra .... Respondent  
Thr. Government Pleader

WITH  
WRIT PETITION NO.1167 OF 2024

Farhan Mohamed Ali Rajani .... Petitioner

V/s.

State of Maharashtra .... Respondent

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Ms.Samiksha Rao a/w Ms.Disha Jain i/b Chinmaya Acharya, for the  
Petitioner.

Mr.Himanshu Takke, AGP, for the Respondent-State.

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CORAM : G.S. KULKARNI &  
ARUN R. PEDNEKER, JJ.

DATE : 11<sup>th</sup> JUNE 2024

P.C:-

. We have heard learned counsel for the Petitioner.

2. These Petitions under Article 226 of the Constitution of  
India pray for the following substantive reliefs.

NILAM  
SANTOSH  
KAMBLE

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NILAM SANTOSH  
KAMBLE  
Date: 2024.06.15  
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*“PRAYERS OF WRIT PETITION NO.1011 OF 2024*

*a. This Hon'ble Court be pleased to issue Writ of certiorari or  
any other Writ, order or direction in the nature of certiorari*

*calling for the records and proceedings pertaining to award dated 29.1.2020 passed by the Respondent no.3 and after examining the legality and propriety thereof, be pleased to quashed and set aside the impugned Award dated 29.1.2020 being (Exhibit P hereto).*

*b. This Hon'ble Court to issue writ of mandamus or any other writ, order or direction in the nature of mandamus directing the Respondent No.1 to 3 to give appropriate hearing to the Petitioner on the said notice u/s 37 (2) Of Land Acquisition Act, 2013 under which the Petitioner's premises has been illegally and forcibly acquired and authorities be directed to consider the objections raised by the Petitioner and pass reasoned Order.*

*c. That this Hon'ble Court be pleased to issue appropriate Writ and/or order or direction thereby restraining Respondent no.1 to 4 from acquiring and/or taking possession of the said shop admeasuring 225 sq. ft. situated on ground floor of Mukund House, S.V. Road, CTS no.577/11, 577/12, 578, 578/1 and 578/2 Village Andheri, Andheri Naka, Mumbai-400058."*

*"PRAYERS OF WRIT PETITION NO.1167 OF 2024*

*a. This Hon'ble Court be pleased to issue Writ of mandamus or writ in the nature of Mandamus or any other Writ, Order or direction thereby directing the Respondent No.1 to 4 to reconstruct the commercial premises occupied by the Petitioner being Shop No.1 admeasuring 180 sq. ft. situated on Ground floor of Mukund House, S.V. Road, CTS no.577/11, 577/12, 578, 578/1 and 578/2 Village Andheri, Andheri Naka, Mumbai-400058;*

*b. In the alternative this Hon'ble Court be pleased pass appropriate order thereby permitting the Petitioner to*

*reconstruct the commercial premises occupied by the Petitioner being Shop No.1 admeasuring 180 sq. ft. situated on Ground floor of Mukund House, S.V. Road, CTS no.577/11, 577/12, 578, 578/1 and 578/2 Village Andheri, Andheri Naka, Mumbai-400058 at his own cost;*

*c. that pending hearing and final disposal of the present petition the Respondent No.1 to 4 be restrained by an Order of Injunction of this Hon'ble Court from taking any further steps pursuant to Award dated 29.01.2020.*

3. The learned counsel for the Petitioner has drawn our attention to the order dated 5<sup>th</sup> July 2023 passed in Writ Petition (L) No.1066 of 2023 stating that the challenge as raised in this Petition is similar to challenge raised in the said Petition. The said Petition came to be rejected by a coordinate bench of this Court by a detailed order. A copy of the said order is placed on record. The learned AGP would also submit that the proceedings would be covered by the said order dated 5<sup>th</sup> July 2023 passed by this Court.

5. We accordingly dismiss this Petition for the reasons set out in the judgment dated 5<sup>th</sup> July 2023 in Writ Petition No.1066 of 2023.

6. Disposed of. No costs.

(ARUN R. PEDNEKER, J.)

(G.S. KULKARNI, J.)