

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 4183 OF 2024

Kanaiyalal Purshottamdas Shah & Anr.

... Petitioners

vs.

The State of Maharashtra.

...Respondent

Mr. Shakeeb Shaikh with Mr. Mangesh J. Nalawade i/b. Vipul Shukla, for the Petitioners.

Mr. Kanaiyalal P. Shah, Petitioner No.1 is present.

Smt. Uma Palsuledesai, AGP for the State.

Mr. Akshay Shinde, for MMRDA.

Mr. Sanjay Mukherjee, Commissioner of MMRDA present.

Mr. Arvind Deshbhratar, OSD Legal (MMRDA) present.

Mr. Padmakar Rokade, Addl. Collector (MMRDA) present.

Mr. Milind Pradhan, Legal Officer present.

CORAM: G. S. KULKARNI &
SOMASEKHAR SUNDARESAN, JJ.
(In Chamber At 1.15 p.m.)
DATED: 3 October, 2024

P.C.

1. On the backdrop of our order dated 1 October 2024 we have heard learned Counsel for the parties. Learned Commissioner of MMRDA is also present at the hearing. At the outset, he has expressed his heartfelt regrets for the manner in which the case was handled by the concerned department and more particularly of a reference not being made to the appropriate Court of a party (petitioner No.1) who is 92 years in age.

2. The learned Commissioner has fairly stated that in this regard a specific mechanism needs to be urgently prepared and made operational insofar as the land acquisition matters in the MMRDA are concerned, so that issues on land acquisition are attended at the department level with all promptness and matters do not remain pending, for appropriate procedure to be set into motion. He states that he would take stock of the things and issue “operational guidelines” to the concerned department dealing with the land acquisition cases, for effective and efficient steps to be taken by the concerned officers under such guidelines in dealing with the land acquisition cases. A copy of the same be also placed on record of this proceeding.

3. In the peculiar facts of the case, so that the petitioner No.1 at this age of 92 is not dragged into unwarranted legal proceedings, we have requested the Commissioner, to make an endeavour to resolve the issues by having a joint meeting with his concerned officers alongwith the petitioners and their Advocate. To enable the parties to do so, we adjourn the proceedings to be heard in Chamber on **10 September 2024** at 4.30 p.m. (**Part Heard**). All contentions of the parties are kept open.

4. It may be observed that in the event the issues are not resolved, there would be no alternative but to accept the request of the petitioners for`

reference to be made to the Small Causes Court as already as already conceded on behalf of the respondents.

(SOMASEKHAR SUNDARESAN, J.)

(G. S. KULKARNI, J.)