

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

WRIT PETITION NO. 4183 OF 2024

Kanaiyalal Purshottamdas Shah

... Petitioner

Versus

The State of Maharashtra & Ors.

... Respondents

Mr. Shriram Kulkarni i/b. Vipul Shukla, for the Petitioner.

Mr. Akshay Shinde, for MMRDA.

Smt. Uma Palsuledesai, AGP for the State

CORAM: G. S. KULKARNI &
SOMASEKHAR SUNDARESAN, JJ.
DATED: 25th OCTOBER, 2024
(IN CHAMBER AT 1.30 P.M)

P.C.

1. Learned Counsel for the parties were heard on the earlier occasions when detailed orders were passed considering the peculiar facts of the case and more particularly the petitioner, who is 92 years of age, is required to approach the Court. We hence thought that the MMRDA can make the case as an exception and make an endeavour to settle the dispute on the land acquisition compensation being claimed by the petitioner. Today we are informed that a settlement cannot be brought about.

2. In this view of the matter, as observed by us in paragraph 4 of the order dated 3 October 2024, the only recourse for the petitioners would be to resort to avail of land acquisition. Reference in regard to the petitioner's claim on enhancement of the land acquisition compensation as awarded to the petitioners by an appropriate proceeding before the Small Causes Court. As the petitioners were bonafide pursuing the present proceedings, the reference application is required to be decided without an objection as to the limitation. Mr. Shinde, learned Counsel appearing for the MMRDA has fairly stated that no objection to the limitation has been raised considering the pendency of this petition and the peculiar facts of the case that the petitioner is 92 years old and expeditiously as being directed by us. We, accordingly, dispose of the petition by the following order:

ORDER

- (i) Let a reference application as per the appropriate provisions of the Mumbai Municipal Corporation Act be made within a period of six weeks from today and if the same is accordingly filed, the Small Causes Court shall decide the same without an objection in regard to the limitation.
- (ii) The Small Causes Court is also directed to dispose of the Reference Application as expeditiously as possible and in any event by 31 March 2025.

(iii) The respondents shall co-operate in the early disposal of the Reference Application and the Small Causes Court, should consider strictly to avoid unnecessary adjournments.

(iv) All contentions of the parties are expressly kept open.

(v) Disposed of in the aforesaid terms. No costs.

3. For compliance in regard to the directions as made by us on the guidelines to be framed dealing with the land acquisition matters in regard to senior citizens, Mr. Shinde, learned Counsel for the MMRDA informs that the work in that regard is in progress and the guidelines would be placed on record of this petition within four weeks from today.

4. List the petition after four weeks for compliance.

(SOMASEKHAR SUNDARESAN, J.)

(G. S. KULKARNI, J.)