Amol

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7162 OF 2024

Yadneshwar Shantaram Patil …Petitioner

Versus

The Deputy Collector (Land Acquisition) & Anr …Respondents

Mr Sahil A. Pandire, *for the Petitioner.*

Ms V. R. Raje, **AGP**, *for the Respondent-State.*

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CORAM **M.S. Sonak &**
Jitendra Jain, JJ.
DATED: **02 May 2025**

PC:-

1. Heard Mr Sahil Pandire for the Petitioner and Ms Raje learned AGP for the State.

2. This Petition seeks a very innocuous looking prayer for a direction to the 1st Respondent to decide Petitioner's representation dated 5 April 2023 in the interest of justice.

3. The representation seeks correction in the award dated 7 August 1970 bearing Award No. 105A/35 Navadhe. The corrections is to include the Petitioner's name in the award.

4. Mr Sahil Pandire states that the Petitioner was not aware that their name is not included in the award and within three months of acquiring knowledge have represented to the

1st Respondent on 5 April 2023. However, till date, this representation is not disposed of.

5. Ms Raje the learned AGP opposes the grant of any relief in this Petition. She submits that there is no provision for correcting the award to include the Petitioner's name and that too after almost 55 years since the award was made. She submitted that any direction from this Court to consider the representation would be used by the Petitioner to urge a fresh cause of action.

6. We have considered the rival contentions and we are satisfied that this Petition is quite misconceived. In the first place, the argument that the Petitioner was unaware of the acquisition proceedings cannot be lightly accepted. The acquisition proceedings involve publication of notifications in the news paper, gazettes and at the locality. Besides, the acquisition in this case was for Trans Harbour Rail Lines. This is a public project and if the Petitioner claims any interest in the acquired property, it is unlikely that Petitioner was unaware of the acquisition.

7. Secondly, in the 1894 Act there was a provision to correct clerical errors and that too within six months. Here, the Petitioner does not allege any clerical error but wishes to assert his claim to the acquired property. Though, no compensation is claimed in this Petition, we are not too sure whether after including the name in the award, the Petitioner, will not claim for any compensation.

8. Even a direction to the 1st Respondent to consider the representation will then, be treated as a step to revive cause of

action or a stale or belated claim. Such reliefs, though they appear innocuous, cannot be granted as held by the Hon'ble Supreme Court in several cases.

9. For the above reasons, we dismiss this Petition without any cost order.

(Jitendra Jain, J) (M.S. Sonak, J)