



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8891 OF 2025

Vasant Maya Mohite & Anr,	...	Petitioners
Versus		
The State of Maharashtra & Anr.	...	Respondents

WITH
WRIT PETITION NO. 7406 OF 2024

Harishchandra Pandurang Bhoir	...	Petitioner
Versus		
The State of Maharashtra & Anr.	...	Respondents

WITH
WRIT PETITION NO. 4866 OF 2024

Manisha Sandesh Koli	...	Petitioner
Versus		
The State of Maharashtra & Anr.	...	Respondents

WITH
WRIT PETITION NO. 15691 OF 2023

Ramabai Dehu Gondhali	...	Petitioner
Versus		
The State of Maharashtra & Anr.	...	Respondents

WITH
WRIT PETITION NO. 7329 OF 2024

Rohidas Balu Mohite	...	Petitioner
Versus		
The State of Maharashtra & Anr.	...	Respondents

WITH
WRIT PETITION NO. 7339 OF 2024

Jagdish Gomaji Kasukar	...	Petitioner
Versus		
The State of Maharashtra & Anr.	...	Respondents

WITH
WRIT PETITION NO. 5006 OF 2024

Padmakar Kisan Madhavi	...	Petitioner
Versus		
The State of Maharashtra & Anr.	...	Respondents

WITH
WRIT PETITION NO. 7409 OF 2024

Bhau Kanha Pandit	...	Petitioner
Versus		
The State of Maharashtra & Anr.	...	Respondents

WITH
WRIT PETITION NO. 7325 OF 2024

Machhindranath Narayan Bhoir	...	Petitioner
Versus		
The State of Maharashtra & Anr.	...	Respondents

WITH
WRIT PETITION NO. 7407 OF 2024

Rajesh Pandurang Patil	...	Petitioner
Versus		
The State of Maharashtra & Anr.	...	Respondents

WITH
WRIT PETITION NO. 7311 OF 2024

Sadashiv Kalu Mohite	...	Petitioner
Versus		
The State of Maharashtra & Anr.	...	Respondents

WITH
WRIT PETITION NO. 5847 OF 2024

Vidya Mandan Ghondhali	...	Petitioner
Versus		
The State of Maharashtra & Anr.	...	Respondents

WITH
WRIT PETITION NO. 7307 OF 2024

Vasant Maya Mohite	...	Petitioner
Versus		
The State of Maharashtra & Anr.	...	Respondents

WITH
WRIT PETITION NO. 5571 OF 2024

Vishnu Kamalya Mohite	...	Petitioner
Versus		
The State of Maharashtra & Anr.	...	Respondents

WITH
WRIT PETITION NO. 5570 OF 2024

Krishna Lahu Kanekar	...	Petitioner
Versus		
The State of Maharashtra & Anr.	...	Respondents

WITH
WRIT PETITION NO. 5572 OF 2024

Gajanan Nama Koli	...	Petitioner
Versus		
The State of Maharashtra & Anr.	...	Respondents

WITH
WRIT PETITION NO. 7323 OF 2024

Savlaram Rambhau Kasukar	...	Petitioner
Versus		
The State of Maharashtra & Anr.	...	Respondents

WITH
WRIT PETITION NO. 7156 OF 2024

Minnath Narayan Bhoir	...	Petitioner
Versus		
The State of Maharashtra & Anr.	...	Respondents

**WITH
WRIT PETITION NO. 7155 OF 2024**

Amar Naryan Kanekar	...	Petitioner
Versus		
The State of Maharashtra & Anr.	...	Respondents

Mr. Nitin Gavare Patil along with Mr. Sahil Choudhari, Mr. Shreyas Maheshwari, Ms. Sourabhi Waknis, Mr. Sharad Sonawane i/b. White and Brief Advocates for the petitioners.

Mrs. M.P. Thakur, AGP for the State.

Mr. G.S. Hegde, Senior Advocate a/w. Mr. Rahul Sinha, Mr. Soham Bhalerao, Mr. Harshit Tyagi, Ms. P.M. Bhansali, Mr. Arafat Siddique i/b. DSK Legal for the respondent-CIDCO.

**CORAM: G. S. KULKARNI &
 AARTI SATHE, JJ.**

DATE: 25 September 2025

P.C.

1. This is a batch of petitions which pray for similar reliefs. For brevity, we note the reliefs as prayed for in Writ Petition No. 8891 of 2025:

“a) this Hon’ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, order and/or directions in the nature of Writ of Mandamus thereby directing respondent no. 1, the State of Maharashtra to forthwith issue the requisite notification/declaration under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 r/w. Section 126 of the Maharashtra Regional Town Planning Act, 1966 for acquisition of the Subject Land bearing Survey/Hissa No. 1/9 situate at Village Belondakhar, Tal. Uran, District Raigad admeasuring 13.1 acres and land bearing Survey/Hissa No. 3/2 admeasuring 55.2 Ares situated at Village Belondakhar, Tal. Uran, Dist. Raigad for the development of proposed Logistic Park and forthwith remit the amount of compensation to the petitioners in respect of subject land bearing Survey/Hissa No. 1/9 situated at Village Belondakhar, Tal. Uran, Dist. Raigad admeasuring 13.1 Ares and land bearing Survey/Hissa No. 3/2 admeasuring 55.2 Ares situated at Village Belondakhar, Tal. Uran, Dist. Raigad.

b) This Hon'ble Court may be pleased to declare that the impugned action by Respondent Nos. 2 and 3 of initiating action of land acquisition of Subject Land bearing Survey/Hissa No. 1/9 situate at Village Belondakhar, Tal. Uran, Dist. Raigad admeasuring 13.1 Ares and land bearing Survey/Hissa No. 3/2 admeasuring 55.2 Ares situate at Village Belondakhar, Tal. Uran, Dist. Raigad is arbitrary, illegal and null and void and in violations of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013;

c) This Hon'ble Court may be pleased to issue a Writ of Certiorari or any other appropriate Writ, order and/ or directions in the nature of Writ of Certiorari thereby quashing and setting aside the impugned notices dated 01.07.2021 bearing No. CIDCO/Land Acquisition/ Notice/2021 issued by the Respondent No.3 Additional Collector being Exhibit F and G to the Writ Petition;

d) This Hon'ble Court be pleased to direct the Respondents to propose a compensation of 100% market value with equivalent Solatium to the Petitioners under the provisions of Sections 26, 27 and 30 read with Article 2 of the First Schedule of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.”

2. The case of the petitioners is that notice was issued on 1 July, 2021 and 9 July, 2021 by respondent no. 2/CIDCO under section 126 of the Maharashtra Regional & Town Planning Act intending to acquire the petitioners land for the purpose of setting up of a Logistic Park. In acquiring such lands, CIDCO intended to act upon the policy of the State Government as issued in the Government order dated 1 March, 2014 read with the Government order dated 28 February, 2018 under which 22.5% developed plots of land would be made available to those persons whose lands were acquired. The petitioners were accordingly called upon to submit their objections within a period of 15 days from the receipt of the said notice. The petitioners responded to the said notice contending that they were not agreeable to accept 22.5% developed plots under the scheme as issued by the State Government. Also a specific contention was raised that an option which would be

available for acquiring the land under section 108 of The Right To Fair Compensation and Transparency in Land Acquisition, Rehabilitation And Resettlement Act, 2013 (for short “**2013 Act**”) would not be acceptable to the petitioners. The petitioners thus have taken a clear stand as seen from the correspondence as entered between the parties asserting that the proceedings for acquisition of land in the manner known to law be followed, i.e., compensation for acquisition of land be paid to the petitioners under Section 126 of the MRTP Act read with the provisions of 2013 Act.

3. We have heard learned counsel for the parties. The dispute on the acquisition in question is pending for almost four years. Considering the provisions of Section 108 of the 2013 Act which ordains an option to be granted to the affected families to avail better compensation and rehabilitation and resettlement under a State policy intended to be acted upon by the CIDCO under the Government order dated 1 March, 2014 and 28 February, 2018. As it is only an option as clearly set out in the said provision, as sub-section (2) of Section 108 would provide, it was for the petitioners to either avail of such compensation on rehabilitation and resettlement under such policy. If they are not to be agreeable, CIDCO cannot foist any such settlement on the petitioners.

4. In this view of the matter, in our opinion, it is inevitable that all rights and contentions of the parties are required to be kept open. If CIDCO is in requirement of the land in question, it is free to adopt appropriate procedure as known to law, so as to acquire the petitioner’s land under the provisions of Section 126 read with the

provisions of 2013 Act as incorporated in Section 126 by virtue of amendment as brought about by the Maharashtra Act No. 42 of 2015 w.e.f. 29 August 2015. All contentions of the parties in that regard are expressly kept open.

5. In the event such lands are required by the CIDCO for an urgent public purpose, the procedure in law to acquire the lands needs to be undertaken expeditiously and the petitioners ought not to be kept in any suspended animation on the issue of acquisition. We, accordingly, expect the CIDCO to take appropriate steps as expeditiously as possible.

6. The petitions stand disposed of in the aforesaid terms. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)