

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10206 OF 2024

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Pandu Babu Babar & Ors.

...Petitioners

Versus

The Collector of Palghar & Anr.

...Respondents

Ms. J. Dabreo i/b. JRA Law Associates LLP for Petitioners.

Ms. Vrushali Raje, AGP for Respondent-State.

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

DATE: 25th September 2025

P.C.

1. This Petition has been filed under Article 226 of the Constitution of India praying for the following substantive relief, which reads thus:-

“a) That this Hon’ble Court be pleased to issue a writ of Mandamus/Certiorari, directing Respondents to take cognizance of the Petitioners’ applications and take the rightful measures to compensate the Petitioners for the land mentioned in para no.2 acquired and to pay compensation for delay in payment.

b) Pass such other and further reliefs as this Hon’ble Court may deem fit and proper in the facts and circumstances of the present case.

c) And for which act of kindness the Petitioner as in duty bound shall ever pray.”

2. The Petitioners are primarily aggrieved by the inaction on the part of Respondents in not deciding/considering their applications in respect of

compensation to be paid to them in lieu of the acquisition of land under the provisions of the Land Acquisition Act, without following due process of law. The Petitioners have from time to time, by way of various letters/applications submitted to the Respondents that their land has been acquired without due process of law and no compensation has been paid to them in respect thereof. It is the Petitioners' contention that they are Adivasis and the Collector being in the capacity of a Guardian appointed by law, is duty bound to protect the interest of the Adivasi land owners as per Section 36 and 36A of the Maharashtra Land Revenue Code, 1966.

3. It is also the Petitioners' contention that the Petitioners had received notice from Taluka Inspector of Land Records (for short "TILR") and survey was conducted prior to the construction of road, for the purpose of which the Petitioner's land was acquired. The Petitioner has further contended that the process of acquisition of land was conducted without following due process of law and also without paying any compensation to the Petitioners for the acquisition of the said land. The Petitioners therefore submit that on account of inaction on the part of Respondents to consider/decide the various applications filed by them from time to time, grave prejudice has been caused to them and the said applications/letters be decided in an expeditious manner and in accordance with law.

4. In our view, considering the limited relief that the Petitioners seek in the present Petition and although there being no written opposition/reply of the

Respondents, considering the nature of the orders we propose to pass, no prejudice would be caused to the Respondents. The following order would serve the ends of justice:-

ORDER

- i. We direct the Respondents i.e. Competent Authority to consider and decide the applications/letters filed by the Petitioners from time to time, in accordance with law, and as expeditiously as possible, preferably within a period of six weeks from the date this order is made available to the said Respondents by the Petitioners.
- ii. All rights and contentions of the parties are expressly kept open.
- iii. The Petition is disposed of in the aforesaid terms. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)