

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 5074 OF 2024

Tanaji Dnyaneshwar Nimbalkar & Ors.

...Petitioners

Versus

The State of Maharashtra & Ors.

...Respondents

Mr. Yogendra Koli a/w Parag Deshpande for Petitioner.

Mr. B V. Samant, Addl.G.P. a/w M. S. Bane, AGP for Respondent-State.

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

DATE: 17th DECEMBER 2025

P.C.

1. This Petition under Article 226 of the Constitution of India is filed
praying for the following substantive reliefs:-

“A. Rule be issued and call for records and proceedings in respect of LAQ/PO/801 of 1968 in respect of Land bearing Survey No. 158/1 to 158/6, Pimpri Chinchward, Taluka Haveli District Pune U/s. 48 of Land Acquisition Act, 1894 along with Petition dated 05/05/2004 pending without any decision before the Hon'ble Minister for Revenue and Forest Department, Mantralaya, Mumbai as well as draft Award dated 25/03/1970 proposed by Special Land Acquisition Officer, Pune.

B. That this Hon'ble Court be pleased to issue Writ of Certiorari and/or Writ of Mandamus and/or Writ of Directions and/or appropriate Order and/ or directions in the nature of Writ and/ or Writ of Directions for investigation to verify the correctness, validity, propriety and legality of the acquisition of the Agricultural Lands belongs to the Petitioners bearing No. 158/1 to 158/6, Pimpri Chinchward, Taluka Haveli, District Pune, U/s. 48 of Land Acquisition Act, 1894 for the purpose of implementation of Industrial Project in the name of Water Purification Plant and Staff Quarters in the Jurisdiction of Pune in the year 1968 on the basis of alleged draft Award dated 25/03/1970 and/or Government Notification dated 29/02/1968 be quashed and set aside and/or terminated and/ or cancelled by restoring the said Agricultural Lands situated at Village Chinchwad, Taluka Haveli, District Pune, to the Petitioners being original owners of the said Agricultural Lands, on

such terms and conditions as this Hon'ble Court may deem fit and proper, which are as more particularly set out hereinbelow:

Sr. No.	Survey No.	Hectors/R	Acres/Guntha
1.	158/1	04 H 55 R	11 A 15 G
2.	158/2	02 H 25 R	05 A 25 G
3.	158/3	00 H 37 R	00 A 37 G
4.	158/4	01 H 14 R	02 A 34 G
5.	158/5	00 H 30 R	00 A 30 G
6.	158/6	01 H 09 R	02 A 29 G
		Total	24 A 10 G

C. By an order of this Hon'ble Court be pleased to declare that the said Agricultural Land setout hereinabove belongs to Petitioners, have not been used and/or implemented since the year 1968 for the purpose of implementing the Industrial Project or any other project for public purpose known as Water Purification Plant and Staff Quarters at Chinchwad, Taluka Haveli District Pune and further declare that the said lands are not required by the Respondents for the purpose for which it was acquired as per Government Notification of the year 1968 and no such Awards are in existence and/or passed and hence the said Agricultural Lands should be restored to the Petitioners being the Agriculturists and Original Owners, by considering various representation and pending Petition/ Application before the Hon'ble Minister for Revenue and Forest, Government of Maharashtra on such terms and conditions as this Hon'ble Court may deem fit and proper.

D. By an order of this Hon'ble Court be pleased to declare that the draft Award dated 25/03/1970 never finalized or published and hence, the alleged Acquisition of the Land belongs to Petitioners made thereunder are illegal and not binding upon Petitioners and hence the Petitioners abovenamed are entitled for restoration of the land along with rectifying the Revenue Record, by cancelling all the notification and resolutions issued and/or passed by the Respondent in respect of the Petitioners Land as per Section 4 R/w. 17 of the Land Acquisition Act, 1894 be declared as null and void and no possession had been taken by Government of Maharashtra and/or its Department by following due procedure of law as well as there is no legal documentary evidence and/or any iota of evidence in respect thereof and hence the alleged acquisition proceedings be pleased to declared as illegal and ultra virus.

E. By an order of this Hon'ble Court be please to direct the Respondents Revenue Authority to restore the names of the Petitioners as owner, by deleting the name of the MIDC and/or any Authority by, declaring that the alleged Mutation Entire No. 12920 mutated by the Learned Tahsildar, Taluka Haveli, District Pune is illegal and bad in law.

F. It be further declared that no acquisition proceedings came to be completed within stipulated period of time U/s. 11A of the Land Acquisition Act, 1894 and same should be declare that the said proceedings came to be lapsed and cannot be implemented any further since the land of the Petitioners not vested with the Respondent abovenamed.

G. By an order of this Hon'ble Court be pleased to declare that the claim of the Land Acquisition Officer, Pimpri Chinchwad Pune is contrary to the publication of Government dated 29/02/1968, since the Respondent Government and its Authorities, Pimpri Chinchwad Pune had illegally acquired the lands of the Petitioner which is required to be restored by appropriate order of this Hon'ble Court in order to protect the interest of the Petitioner on such terms and conditions as this Hon'ble Court deem fit and proper.

H. Pending the hearing and final disposal of the present Writ Petition, by an Injunction Order of this Hon'ble Court, the Respondents, their servants, officers, agents and/or any persons and/or authority claiming through them be restrained by an injunction order from transferring and/ or disposing off and/or creating any third party rights and/ or dealing with and/or making allotment to any third party and/or to carry on any kind of construction of the said Agricultural Lands bearing No. 158/1 to 158/6, Pimpri Chinchwad, Taluka Haveli, District Pune.

I. Pending the hearing and final disposal of the above Petition, the Respondents abovenamed be directed to furnish the copies of the acquisition proceedings, Awards and/or transfer orders passed by the Respondents abovenamed for acquisition of the said Agricultural Lands of the Petitioners abovenamed and/or their predecessors along with the particulars of the compensation, if any paid to the Agriculturists for such acquisition under so called acquisition proceedings.

J. Delay, if any in filing the above Petition and/or approaching this Hon'ble Court, be condoned by considering the innocence, lack of legal knowledge as well as financial difficulties as well as for the Competent Authorities failed to take cognizance despite several representation on such terms and conditions as this Hon'ble Court may deem fit and proper.”

2. We find that the case of the Petitioner in regard to the bearing Survey No. 158/1 to 158/6 as set out in paragraph 1 and 2 of the Petition, the said land was subject matter of acquisition for public purpose for purification plant, pumping station and staff quarters of the Pimpri water works.

3. The case of the Petitioner is that a draft Award for acquisition of land was published on 25th March 1970 by the Special Land Acquisition Officer, Pune. It is the case of the Petitioners that the land admeasuring 5 Acres 29 Gunthas out of the said land remained with the Petitioners as set out in paragraph 4 of the Petition. The case of the Petitioners is that the said land hence is not required for the purpose, for which, acquisition was resorted.

4. The Petitioners have taken up several proceedings before different authorities and more importantly made an application under Section 48(1) of the Land Acquisition Act, 1894 before the State Government/Hon'ble Minister. The said application appears to be pending as no orders are so far passed on such application. We also find that the Petitioners have instituted a civil suit bearing Regular Civil Suit No. 723 of 2015 before the learned Judge, Senior Division, Pune praying for perpetual injunction.

5. In this view of the matter, we are of the opinion that the application filed by the Petitioners under Section 48(1) of the Land Acquisition Act, 1894 needs to be taken up and decided in accordance with law after granting an opportunity of hearing to the Petitioners by the State Government/Hon'ble Minister, as expeditiously as possible and in any event within a period of three months from today. It is open to the Petitioner to seek appropriate reliefs in the pending civil suit, if the Petitioner has any such legal rights to be asserted in respect of the land in question. All contentions of the parties are expressly kept open.

6. Petition stands disposed of in the aforesaid terms. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)