

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7644 OF 2024

Chaya Dattu Gunjal

Petitioner

versus

The Sub Divisional Officer, Igatpuri Trimbakeshwar
Sub Division, Nashik and others

Respondents

WITH

WRIT PETITION NO.11455 OF 2024

Santosh Kantilal Shelar and another

Petitioner

versus

The Sub Divisional Officer, Igatpuri Trimbakeshwar
Sub Division, Nashik and others

Respondents

WITH

WRIT PETITION NO.11453 OF 2024

Madhukar Salsavliram Gunjal

Petitioner

versus

The Sub Divisional Officer, Igatpuri Trimbakeshwar
Sub Division, Nashik and others

Respondents

WITH

WRIT PETITION NO.11450 OF 2024

Dilip Laxman Kokane and others

Petitioner

versus

The Sub Divisional Officer, Igatpuri Trimbakeshwar
Sub Division, Nashik and others

Respondents

WITH

WRIT PETITION NO.11458 OF 2024

Vittal Ramdas Shelar

Petitioner

versus

The Sub Divisional Officer, Igatpuri Trimbakeshwar
Sub Division, Nashik and others

Respondents

WITH

WRIT PETITION NO.11454 OF 2024

Nivrutti Tukaram Kokane

Petitioner

versus
The Sub Divisional Officer, Igatpuri Trimbakeshwar
Sub Division, Nashik and others Respondents

WITH
WRIT PETITION NO.11451 OF 2024

Dnyaneshwar Devram Shelar Petitioner
versus
The Sub Divisional Officer, Igatpuri Trimbakeshwar
Sub Division, Nashik and others Respondents

WITH
WRIT PETITION NO.11457 OF 2024

Vishnu Laxman Kokane and another Petitioners
versus
The Sub Divisional Officer, Igatpuri Trimbakeshwar
Sub Division, Nashik and others Respondents

WITH
WRIT PETITION NO.11452 OF 2024

Krushna Rmdas Shelar Petitioner
versus
The Sub Divisional Officer, Igatpuri Trimbakeshwar
Sub Division, Nashik and others Respondents

WITH
WRIT PETITION NO.11456 OF 2024

Trambak Dhondur Shelar Petitioner
versus
The Sub Divisional Officer, Igatpuri Trimbakeshwar
Sub Division, Nashik and others Respondents

WITH
WRIT PETITION NO.10693 OF 2024

Dattu Bandu Kokane and another Petitioners
versus
The Sub Divisional Officer, Igatpuri Trimbakeshwar
Sub Division, Nashik and others Respondents

WITH
WRIT PETITION NO.10239 OF 2024

Gopal Valu Kokane an others	Petitioners
versus	
The Sub Divisional Officer, Igatpuri Trimbakeshwar	
Sub Division, Nashik and others	Respondents

WITH
WRIT PETITION NO.10236 OF 2024

Rangnath Bhaguji Kokane and another	Petitioners
versus	
The Sub Divisional Officer, Igatpuri Trimbakeshwar	
Sub Division, Nashik and others	Respondents

WITH
WRIT PETITION NO.10240 OF 2024

Dnyaneshwar Kunalik Kokane and others	Petitioners
versus	
The Sub Divisional Officer, Igatpuri Trimbakeshwar	
Sub Division, Nashik and others	Respondents

WITH
WRIT PETITION NO.7441 OF 2024

Sau.Hirabai Kachru Kokane and others	Petitioners
versus	
The Sub Divisional Officer, Igatpuri Trimbakeshwar	
Sub Division, Nashik and others	Respondents

WITH
WRIT PETITION NO.11449 OF 2024

Sau.Anisa Arif Shekh	Petitioner
versus	
The Sub Divisional Officer, Igatpuri Trimbakeshwar	
Sub Division, Nashik and others	Respondents

WITH
WRIT PETITION NO.7926 OF 2024

Smt.Shital Rambhau Kokane and another	Petitioners
versus	
The Sub Divisional Officer, Igatpuri Trimbakeshwar	
Sub Division, Nashik and others	Respondents

Mr.Rameshwar Gite with Mr.Sandesh Shinde, Ms.Aditi Thakare and Ms.Pratiksha Shelke, Advocates for Petitioners.

Mr.P.P.Kakade, Additional Govt.Pleader with Mr.P.G.Sawant, AGP for State in WP Nos.7644, 11455, 11453, 11450, 11458 of 2024.

Mr.P.P.Kakade, Additional Govt.Pleader with Smt.M.S.Bane, AGP for State in WP Nos.11454, 11451, 11457, 11452 of 2024.

Mr.P.P.Kakade, Additional Govt.Pleader with Mr.Y.D.Patil, AGP for State in WP Nos.11456, 10693, 10239 and 10236 of 2024.

Mr.P.P.Kakade, Additional Govt.Pleader with Mr.K.S.Thorat, 'B' Panel counsel for State in WP Nos.10240, 7441, 11449, 7926 of 2024.

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

DATE: 16th September 2025

P.C.

1. We have heard learned counsel for the Petitioners on this batch of petitions. The challenge in these petitions is to the compulsory acquisition of Petitioners' lands belonging to the Petitioners who are agriculturists.

2. The acquisition is made under the provisions of Maharashtra Industrial Development Act, 1961 ('MID Act'). Notification dated 20th June 2023 was issued by the Industries, Energy and Labour Department, Government of Maharashtra under sub-Section 3 of Section 1 of MID Act. Thereafter notices came to be issued to the Petitioners u/s.32(2) of MID Act dated 25th September 2024 whereby the Petitioners were called upon to submit their objections against acquisition of their lands. The Petitioners submitted their objection vide representation dated 21st November 2023 setting out the reasons as to why the lands ought not to have been acquired.

3. Once such objection was received by the competent authority, it was incumbent upon the competent authority under sub-Section (3) of Section 32 to grant an opportunity to the Petitioners of being heard on such objections as raised by them, which ought to have been decided.

4. It does not appear from the record that after receiving the Petitioners' representation any notice was issued to the Petitioners, to be heard on the objections raised by them, for such objections to be decided. This would be the basic requirement under sub-Section 3 of Section 32 of MID Act. Further, proviso to sub-Section (2) of Section 32 provides for consultation with Gram Sabha and Gram Panchayat before initiation of acquisition process, if the land to be acquired falls within the area of Panchayat. The proviso mandates that such consultation shall be carried by the Government by issuing a general or special order in that behalf, and the decision taken by majority of Gram Sabha by passing a resolution shall be binding on the Panchayat Samittee or Zilla Parishad. There is nothing on record to show that the mandate of sub-Section (2) of Section 32 of MID Act is complied.

5. Today the grievance of Petitioners is that on the basis of such arbitrary actions being taken qua the acquisition, now mutation entries are being made to the prejudice of the Petitioners who are agriculturists.

6. It is stated that the Petitioners have served on the concerned Respondents in the year 2023. Despite this petition being served on the Respondents and the office of Government Pleader, in the year 2023, surprisingly

for more than two years, no instructions could be taken by the Government Pleader on the ground that although he has written letters, no response is received.

7. In our opinion a prima facie case is made out by the Petitioners for passing of interim orders. We accordingly direct that the Respondents shall maintain status-quo in regard to the Petitioners' lands and no mutation entries whatsoever shall be recorded against the Petitioners till the Court hears the Respondents on affidavit and passes further appropriate orders. Ordered accordingly.

8. This order be communicated by the Government Pleader to concerned officials of the State Government as also officers of Maharashtra Industrial Development Corporation.

9. Reply affidavit of the Respondents be brought on record within a period of ten days.

10. Stand over to 30th September 2025. High on board.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)