

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

WRIT PETITION NO. 8551 OF 2024

Akhil Bhartvashiya Bhekh Bara Panth
Yogi Avdhoot Samprady Trust ...Petitioners
Versus
State Of Maharashtra Thr Its Secretary
Ministry Of Revenueand Ors ...Respondents

WITH
INTERIM APPLICATION NO.2762 OF 2025

Om Shiv Gorkshnath International
Gurukul Through M.K.Yadav ...Applicant

In the matter between:
Akhil Bhartvashiya Bhekh Bara Panth
Yogi Avdhoot Samprady Trust ...Petitioners
Versus
State Of Maharashtra Thr Its Secretary
Ministry Of Revenue and Ors ...Respondents

WITH
WRIT PETITION NO. 10350 OF 2024

Om Shiv Gorkashnath Internation Gurukul ...Petitioner
Versus
The State Of Maharashtra Thr Its Secretary And Ors ...Respondents

WITH
WRIT PETITION NO. 12713 OF 2023

Gauribai Chahu Lote And Ors ...Petitioners
Versus
The State Of Maharashtra Thru The Prin.
Secretary, Urban Development Dept. And Ors ...Respondents

Mr. Yuvraj Narvankar i/b. Mr. Pradip Budhe, for Petitioner in WP/8551/24.
Ms. Savina R. Crasto, AGP for Respondent Nos. 1 to 4-State in WP/8551/24.
Mr. Satish Patil for Respondent No.5 – CIDCO in WP/8551/24,
Mr. Shaikh Abdul Azim Mohd. Hanif i/b. Mr. Satish Raut., for Intervener in
IA/2762/2025.

Mr. Akhilesh Dubey a/w. Mr. Amit Dubey, a/w. Mr. Rajuram Kuleriya, a/w. Mr. Shubham Sharma and Mr. Shivam Mishra i/b. Law Counsellors, for Petitioner in WP/10350/24.

Mr. Sachin S. Punde a/w. Mr. Suraj B. Jadhav, for Petitioner in WP/12713/23.

Mr. Aditya R. Deolekar for Respondent-State in WP/12713/23.

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

DATE: 22nd September 2025

P.C.

1. There are three Writ Petitions, Writ Petition No.8551/2024 is filed by the owner of the land Akhil Bhartvashiya Bhekh Bara Panth Yogi Avdhoot Samprady Trust. The second Petition (Writ Petition No. 12713/2024) is filed by the tenants (Gauribai Chahu Lote And Ors) and the third proceeding (Writ Petition No.10350/2024) is filed by Om Shiv Gorkashnath International Gurukul, which is also asserting rights in respect of part of the land on the basis of joint venture, as entered between the said Petitioners and the Petitioners in the first Petition/Trust. At the outset the substantive prayers as made in the respective Petitions are required to be noted which read thus:-

WRIT PETITION NO.8551/2024

a) That this Hon'ble Court be pleased to issue writ of Mandamus or any other appropriate writ or order in the nature of Writ of Mandamus issue direction to the Respondent to execute sale deed with Trust through private negotiation for land acquisition of the land for Kondhane Dam project as per government resolution 12 May 2015 and 30 September 2015 also circular dated 25th January 2017.

b) That this Hon'ble Court be pleased to issue writ of Mandamus or any other appropriate writ or order directing respondent to deposit the total compensation amount in the account of the Trust as early as possible.

- c) In alternative That this Hon'ble Court pleased to issued writ of Mandamus or any other appropriate writ or order directing respondents to deposit the total compensation amount as per government resolution 26th June 2006 in the account of the petitioner Trust.
- d) That this Hon'ble Court pleased to issued writ of Mandamus or any other appropriate writ or order directing respondent to pay interest on delayed payment.
- e) Pending the hearing and final disposal of the present writ petition that this Hon'ble court please to direct the respondent to deposit minimum 50 % amount as per government resolution 26th June 2006 in the account of the petitioner.
- f) Pending the hearing and final disposal of the present writ petition that this Hon'ble court please to direct the respondent to deposit compensation amount in the Account of the Petitioner Trust.
- g) Ad-interim and interim in term of prayer clause (f) of this petition
- h) For such other and further reliefs as this Hon'ble Court deem fit and proper.

WRIT PETITION NO. 10350/2024

- a. That this Hon'ble Court may be pleased to exercise its power under Article - 226 and 227 of the Constitution of India and issue a Writ of Mandamus and/or writ in nature of Mandamus and/or any other appropriate writ, order or direction calling for records and proceedings with respect to suit land and after going through the legality and the validity of the same be further pleased to set aside and quash the impugned order dated 28th October, 2023 and further direct the Respondent no,5 to not release any further compensation/payment in favour of the Respondent No. 4 trust.
- b. That this Hon'ble Court be pleased to direct the Competent Authority/ Sub Divisional Officer, Karjat, Raigad (SDO) to recall the compensation as paid to the Respondent No. 4.
- c. Interim and ad-interim reliefs in terms of prayer (a);
- d. That this Hon'ble Court may be pleased to pass such other and further order that this Hon'ble Courts may deem fit and proper in the facts and circumstances of this case;

e. Cost of this Petition may be provided for.

WRIT PETITION NO. 12713/2023

A) This Honourable High Court be pleased to issue a Writ of Mandamus or any other appropriate Writ or direction and/or Order in the nature of Writ calling for the records and documents in respect of acquisition of agricultural lands situated at Village Chochi, Taluka Karjat, District Raigad, from the Respondents and also calling for the records and proceedings of Tenancy Cases from the file of Respondent No.4 after perusal and examination thereof;

B) This Honourable High Court be pleased to issue a Writ of Prohibition or any other appropriate writ or order and/or direction in the nature of writ prohibiting Respondents No. 1 to 6 from entering into Sale Deed / Agreement / Transaction with Respondents No. 7 and/or 8 in respect of Subject Lands (more particularly described in Paragraph No. 2 hereinabove) without the consent of the Petitioners.

(C) This Honourable High Court be pleased to issue a Writ of Mandamus or any other appropriate writ or order and/or direction in the nature of writ directing Respondents No. 1 to 6 from disbursing entire compensation or sale price to Respondents No. 7 and/or 8 in respect of Subject Lands,

(D) This Honourable High Court be pleased to issue a Writ Of Certiorari or any other appropriate writ or order and/or direction in the nature of writ quashing and setting aside Tenancy Case Nos. 36/2022, 95/2022, 78/2022, 45/2022, 39/2022, 59/2022, 37/2022, 38/2022, 41/2022, 85/2022, 89/2022, 90/2022, 81/2022, 49/2022, 46/2022, 48/2022, 91/2022, 82/2022 and 94/2022 on the file of Respondent No.4.

(E) This Honourable High Court be pleased to issue a Writ of Mandamus or any other appropriate writ or order and/or direction in the nature of writ directing Respondents No. 1 to 6 to disburse half (50%) compensation or sale price to Petitioners in respect of Subject Lands towards its acquisition by negotiations for Kondhane Dam Project.

(F) Pending the hearing and final disposal of this Writ Petition on its merits this Honourable High Court be pleased TO GRANT INTERIM RELIEF BY prohibiting Respondents No. 1 to 6 from

disbursing any amount of compensation to Respondents No. 7 and/or 8.

(G) Pending the hearing and final disposal of this Writ Petition on its merits this Honourable High Court be pleased TO GRANT INTERIM RELIEF BY GRANTING STAY to the proceedings of Tenancy Case Nos. 36/2022, 95/2022, 78/2022, 45/2022, 39/2022, 59/2022, 37/2022, 38/2022, 41/2022, 85/2022, 89/2022, 90/2022, 81/2022, 49/2022, 46/2022, 48/2022, 91/2022, 82/2022 and 94/2022 on the file of Respondent No. 4.

(H) Ad-interim relief in terms of Prayer Clause (F) and (G) above;

(I) To pass such other and further Orders, as this Honourable High Court deems fit, on the facts and in the circumstances of the case.

2. We have heard learned counsel for the parties. The land in question, is the subject matter of acquisition for an Irrigation Project of the City And Industrial Development Corporation of India (CIDCO) viz. Kondhane Dam Project.

3. In pursuance of such intention to acquire the lands for the said project which include other several lands, a public notice was issued by the Competent Officer viz. Sub Divisional Officer Karjat, in the local newspapers dated 10th June 2022. A copy of the notice is annexed at Writ Petition No.12713/2023 (page No.95) which admittedly includes the lands, the subject matter of the present Petition. The land in question is listed and described in a chart as specified at page Nos. 24, 25 and 26 which are 32 lands. We find that the notice dated 10th June 2022, issued by the Competent Officer has invited the parties to accept the compensation by negotiation. The Petitioners are desirous to accept compensation by negotiation, so that they can claim the benefit of the relevant Government Resolution. Our attention in this context is drawn to the Government Resolution

dated 12th May 2005, issued by the State Government i.e. Revenue and Forest Department, setting out the manner in which compensation will be quantified and can be apportioned. There is a subsequent Government Resolution dated 30th September 2016, which according to the Petitioner needs to be taken into consideration for grant of compensation by negotiations, in so far as the Petitioners are concerned.

4. A reply affidavit has been filed on behalf of the State Government by Mr. Prakash Chandu Sakpal, Sub-Divisional Officer, Taluka Karjat, District Raigad, pointing out certain proceedings to explain as to why no action was taken on the proposal. The relevant contents of the said affidavit are required to be noted, which are as follows:

2. I say that by way of present Writ Petition, the Petitioner is seeking directions to Respondent to execute sale deed by way of Private Negotiation with the Petitioner Trust to receive compensation against Land Acquisition for Kondhave Damn Project.

3. I say that as per the 7/12 the Petitioners name has recorded and in other rights columns the tenants name are shown. I further say that the there is Joint venture agreement has been signed between the parties on 29/04/2008 by Petitioner and Om shiv Gorakshnath International Gurukul through its representative by Shri. Urmish Udani their dispute is pending before the Civil Court bearing Special Suit no 20/2023 therefore no third party interest can be created in the said property has been prayed by the parties the said suit is pending till today.

4. I further say that the Joint venture agreement has been signed between the parties on 29/04/2008 by Petitioner by his earlier trust name Om shiv Gorakshnath Intemational Gurukul through its representative by Shri UrmishUdani their dispute is pending before the Civil Court bearing Special Suit no 20/2023

therefore no third party interest can be created in the said property has been prayed by the parties the said suit is pending till today.

5. I say that Petitioner has also filed applications before the Tahsildar Karjat for to deletion of the entries from the 7/12 extract register in 70(B) of Maharashtra tenancy and agricultural land act 1948 which are also pending. There was a status quo was granted by the Hon'ble Minister in this matter, the said fact is suppressed by the Petitioner by not mentioning in the averment in the Petition.

6. I say that the Om Shiv Gorakshnath International Gurukul through its representative has filed application before the SDO Karjat against the order passed by the Tahsildar Karjat on 28/10/2022 pursuant to this the hearing was kept on 01/08/2023 the said is pending for further hearing. With this reasons there was no any action taken on the sale deed by the office of Respondents.

7. I say that the Petitioners name is mentioned in the 7/12 however there are other tenants name also included in the other rights column in the 7/12. Therefore, there are two claimers for the same property and there are application pending before the Tahsildar Karjat for the deletion of the entries also under section 70(b) of Maharashtra Tenancy and Agricultural Land Act 1948 and the said is pending.

8. I say that the Petitioners name is mentioned in the 7/12 however there are other tenants name also included in the other rights column in the 7/12. Therefore, there are two claimers for the same property and there are application pending before the Tahsildar, Karjat, for the deletion of the entries also under section 70(b) of Maharashtra Tenancy and Agricultural Land Act 1948 and the said is pending.

9. In view of the abovementioned facts and circumstances, this Hon'ble Court may be pleased to pass an appropriate Order and dismiss the matter with cost in the interest of justice.

5. It is also contended that although the reply affidavit filed on behalf of State Government refers to certain proceedings which are pending before the Hon'ble Minister for Revenue and Forest Department, to contend that orders are passed in such proceedings for verification of the record, in fact there are no such proceedings.

6. Having heard the learned counsel for the parties it appears to us that a decision needs to be taken on the Petitioner's proposal to which the companion Petitioners viz. Tenants as also the third Petitioner Om Shiv Gorakhnath International Gurukul, which is claiming rights under the joint venture can be heard and appropriate decision taken by the Competent Officer. We are informed that, in this context, a notice was issued to the Petitioner by the Competent Officer on 6th June 2023. Although such notice was issued and the concerned Officer was in fact in charge of the proceedings, no decision has been taken.

7. In our opinion, the policies of the State Government as contained in the Government Resolution appear to be quite clear and which in fact enable expeditious and effective acquisition of lands for large public projects like dams to be acquired without the owners of the land or the persons having interest in the land as the tenants etc. not being dragged in unwarranted litigation and the process of acquisition can be smoothly completed. It is for such reason the method of award of compensation by negotiations has been devised, which in our opinion works in the interest of both parties.

8. In this view of the matter, we are of the opinion, that it would be in the interest of justice that the Competent Officer decides the application/proposal of the Petitioners for acquisition of the land by negotiation. We accordingly dispose of this Petition in terms of the following order:-

ORDER

i) The Petitioners in all these three Petitions are directed to appear before the Competent Officer/Sub Divisional Officer Karjat on **8th October 2025**, at **2.30p.m.** when the designated Officer shall consider the Petitioners proposal of the land in question with which the Petitioners are concerned by negotiation.

ii) After an opportunity of a personal hearing is granted to all the parties, let an appropriate decision on such proposal be taken as expeditiously as possible and within a period of 3 weeks from the date of the first hearing.

iii) The Competent Officer/SDO, shall decide the proceedings in accordance with law and in the light of the policy of the State Government as notified in Government Resolution dated 12th May 2015, read with 30th September 2015, and any other circular relevant in that behalf. Needless to observe that the rights of not only of the owners but the other parties viz. companion Petitioners are also required to consider appropriately in regard to the apportionment of the compensation, if so finalised in the said negotiation.

iv) We also clarify that in the event the negotiations fail or there is no consensus in regard to the compensation as payable, in that event

the State Government would be required to follow appropriate procedure in law to acquire lands.

v) Needless to observe that Designated Officer is free to hear parties on subsequent adjourned dates, if the need so arises.

vi) All contentions of parties are expressly kept open.

vii) All the three Petitions stand disposed of.

viii) No costs.

xi) Interim Application No. 2762/2025, doesnot survive and is disposed of, however keeping open all contentions of the intervener to take recourse to appropriate proceeding if there exists any independent rights so far as the intervenor is concerned.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)