



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7644 of 2024

CHAYA DATTU GUNJAL

...Petitioner

VS

THE SUB-DIVISIONAL OFFICER,
IGATPURI-TRIMBAKESHWAR , SUB-
DIVISION, NASHIK AND ORS

...Respondents

AND

WRIT PETITION No.11455 OF 2024

SHRI. SANTOSH KANTILAL SHELAR & Anr.

...Petitioners

vs.

THE SUB-DIVISIONAL OFFICER,
IGATPURI-TRIMBAKESHWAR , SUB-
DIVISION, NASHIK AND ORS

...Respondents

AND

WRIT PETITION No.11453 OF 2024

SHRI. MADHUKAR SALSAVLIRAM GUNJAL & Anr....Petitioners

vs.

THE SUB-DIVISIONAL OFFICER,
IGATPURI-TRIMBAKESHWAR , SUB-
DIVISION, NASHIK AND ORS

...Respondents

AND

WRIT PETITION No.11450 OF 2024

SHRI. DILIP LAXMAN KOKANE & Anr.

...Petitioners

vs.

THE SUB-DIVISIONAL OFFICER,
IGATPURI-TRIMBAKESHWAR , SUB-
DIVISION, NASHIK AND ORS

...Respondents

AND

WRIT PETITION No.11458 OF 2024

SHRI. VITTAL RAMDAS SHELAR & Anr.

...Petitioners

vs.

THE SUB-DIVISIONAL OFFICER,
IGATPURI-TRIMBAKESHWAR , SUB-

DIVISION, NASHIK AND ORS

...Respondents

AND
WRIT PETITION No.11454 OF 2024

NIVRUTTI TUKARAM KOKANE & Anr.

...Petitioners

vs.

THE SUB-DIVISIONAL OFFICER,
IGATPURI-TRIMBAKESHWAR , SUB-
DIVISION, NASHIK AND ORS

...Respondents

AND
WRIT PETITION No.11451 OF 2024

DNYANESHWAR DEVRAM SHELAR

...Petitioners

vs.

THE SUB-DIVISIONAL OFFICER,
IGATPURI-TRIMBAKESHWAR , SUB-
DIVISION, NASHIK AND ORS

...Respondents

AND
WRIT PETITION No.11457 OF 2024

VISHNU LAXMAN KOKANE AND Anr.

...Petitioners

vs.

THE SUB-DIVISIONAL OFFICER,
IGATPURI-TRIMBAKESHWAR , SUB-
DIVISION, NASHIK AND ORS

...Respondents

AND
WRIT PETITION No.11452 OF 2024

KRUSHNA RAMDAS SHELAR

...Petitioners

vs.

THE SUB-DIVISIONAL OFFICER,
IGATPURI-TRIMBAKESHWAR , SUB-
DIVISION, NASHIK AND ORS

...Respondents

AND
WRIT PETITION No.11456 OF 2024

TRAMBAK DHONDU SHELAR

...Petitioners

vs.

THE SUB-DIVISIONAL OFFICER,
IGATPURI-TRIMBAKESHWAR , SUB-

DIVISION, NASHIK AND ORS

...Respondents

AND

WRIT PETITION No.10693 OF 2024

DATTU BANDU KOKANE AND ANR

...Petitioners

vs.

THE SUB-DIVISIONAL OFFICER,
IGATPURI-TRIMBAKESHWAR , SUB-
DIVISION, NASHIK AND ORS

...Respondents

AND

WRIT PETITION No.10239 OF 2024

GOPAL VALU KOKANE AND ORS

...Petitioners

vs.

THE SUB-DIVISIONAL OFFICER,
IGATPURI-TRIMBAKESHWAR , SUB-
DIVISION, NASHIK AND ORS

...Respondents

AND

WRIT PETITION No.10236 OF 2024

RANGNATH BHAGUJI KOKANE And Anr

...Petitioners

vs.

THE SUB-DIVISIONAL OFFICER,
IGATPURI-TRIMBAKESHWAR , SUB-
DIVISION, NASHIK AND ORS

...Respondents

AND

WRIT PETITION No. 10240 OF 2024

DNYANESHWAR KUNDALIK KOKANE & ANR ...Petitioners

vs.

THE SUB-DIVISIONAL OFFICER,
IGATPURI-TRIMBAKESHWAR , SUB-
DIVISION, NASHIK AND ORS

...Respondents

AND

WRIT PETITION No. 7441 OF 2024

SAU HIRABAI KACHRU KOKANE & ORS.

...Petitioners

vs.

THE SUB-DIVISIONAL OFFICER,
IGATPURI-TRIMBAKESHWAR , SUB-
DIVISION, NASHIK AND ORS

...Respondents

AND
WRIT PETITION No. 11449 OF 2024

SAU ANISA ARIF SHEKH

...Petitioner

vs.

THE SUB-DIVISIONAL OFFICER,
IGATPURI-TRIMBAKESHWAR , SUB-
DIVISION, NASHIK AND ORS

...Respondents

AND
WRIT PETITION No. 7926 OF 2024

SMT SHITAL RAMBHAU KOKANE & ANR.

...Petitioners

vs.

THE SUB-DIVISIONAL OFFICER,
IGATPURI-TRIMBAKESHWAR , SUB-
DIVISION, NASHIK AND ORS

...Respondents

Mr. Rameshwar Gite with Sandesh Shinde, for Petitioner in all matters.

Mr. Prashant Chawan, Senior Advocate with Kinjal Jain, for Respondent No.3-MIDC in all WP.

Mr. P.P. Kakade, Addl. Govt. Pleader with Mr. P.G. Sawant, AGP for the State in WP 7644/24.

Ms. M. S. Bane, AGP for the State in WP 11455/24

Mr. Y. D. Patil, AGP for the State in WP 11453/24 & other matters.

Mr. K. S. Thorat, 'B' Panel Counsel for the State in WP 11458/24.

Ms. M. P. Thakur, AGP for the State in WP 11454/24.

Mr. S. H. Kankal, AGP for the State in WP 11451/24.

Ms. P.J. Gavhane, AGP for the State in WP 11457/24.

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

DATE: 01 OCTOBER 2025.

P.C.

1. These are batch of petitions which pray for similar reliefs which are in regard to the acquisition of the petitioners' land at Village Advan and Pardevi situated at Taluka Igatpuri, District Nashik. For convenience we note the prayers as made in the first petition (Writ Petition No.7644 of 2024) which read thus:

(a) This Hon'ble Court be pleased to issue Writ of Mandamus/Certiorari or any other writ in the nature of Mandamus / Certiorari thereby be pleased to quash and set aside the notification dated 28-06-2023 issued by State of Maharashtra declaring the lands of the petitioners to be Industrial area and also are challenging the orders passed by the Respondents including the notification u/s. 32(2) of Maharashtra Industrial Development Act, 1961 dated 25-09-2023 under the provisions of Maharashtra Industrial Development Act, 1961. And therefore the Petitioner further seeks to cancel the land Acquisition of their agricultural land bearing Gat No.1334, situated at Adhwan, Tal. Igatpuri, Dist. Nashik.

(b) Pending the hearing and final disposal of present Writ petition by way of appropriate writ of mandamus or any other writ of mandamus be pleased to restrain the respondent State authorities from carrying out any sort of acquisition of petitioner's land bearing Gat No.1334, situated at Adhwan, Tal. Igatpuri, Dist. Nashik.

(c) Any further relief which this Hon'ble Court deem fit and proper in the facts and circumstances of the case be kindly granted."

2. The case of the petitioners is that their lands are fertile agricultural lands which are situated in a predominant agricultural belt, hence, any acquisition of these agricultural lands for any industrial purpose would amount to destruction of the agricultural zone. It is also contrary to the provisions of the law, as it would requires special reasons to be provided that as the acquisition of such land, is so necessary that the authority has no other option but to acquire these agricultural lands.

3. It is the petitioners' case that the acquisition of these lands and that too for the purpose of "Maharashtra Industrial Development Corporation", (for short "MIDC") to be used as industrial area, would lead to taking away the petitioners' livelihood, shelter, transitional resources and uprooting them from their socio-cultural environment, factors, which would have traumatic, psychological and socio-cultural consequences, on the petitioners and the rural population at large.

4. It is also the petitioners' case that 80% to 90% of the lands situated within

Igatpuri Taluka are governed under the Panchayat (Extension to the Schedule Areas) Act, 1996 and Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

5. It is thus the petitioners' case that the proposed acquisition of the lands which is stated to be 262.9 hectares is wholly against the well established policies introduced by the Central Government in regard to protection of such lands. The petitioners contend that it is therefore, necessary for respondents to consider acquisition of alternate lands. It is also the petitioners' case that some part of these lands were already acquired for Mumbai- Nagpur Samruddhi Expressway, and there is very little land left, which is also, now being taken away by such compulsory acquisition for industrial purposes.

6. Thus, a significant issue which has been raised by the petitioners is to the effect that it was mandatory for the State Government to consult the Panchayat and local bodies, taking into consideration the provisions of the Panchayat (Extension to the Schedule Areas) Act, 1996 and Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, before a decision is taken to establish an industrial area, in such part of the Nashik district within the Igatpuri taluka, being the remote agricultural zone which forms part of the heritage of the Nashik district. It is also the petitioners' case that large portion of these areas have Forest, Dams etc. The issues being canvassed by the petitioners are that the acquisition would completely destroy the ecology of region.

7. Learned Counsel for the petitioners submits that strong opposition was

put up by the Gram Panchayat and a resolution to that effect was passed on 28 April 2025 being Resolution No.II, which the petitioners have placed on record.

8. Mr. Gite, learned Counsel for the petitioners has drawn our attention to Section 32 of the Maharashtra Industrial Development Act, 1961 (**'MID Act'**) to contend that before publishing a notice under sub-section (1) of Section 32 of the MID Act, the State Government was under an obligation to issue a notice, to call upon the owners of the land or any other persons who in the opinion of the State Government, may be interested therein, to show cause, within such time as may be specified in the notice as to why these lands should not be acquired for such purpose. In doing so the State Government was also required to cause a public notice to be issued in the manner laid down in Section 53 of the MID Act. The Court's attention is also drawn to the proviso to sub-section (2) which ordains that if the land proposed to be acquired falls within the Scheduled Area, in that event the State Government before such acquisition shall consult (i) the Gram Sabha and the Panchayat concerned if the land is falling within the area of one Panchayat ; (ii) the concerned Gram Sabhas and the Panchayat Samitee if the land is falling within the area of more than one Panchayat in the Block concerned; (iii) the concerned Gram Sabhas and the Zilla Parishad if the land is falling within the area of more than one Block in the district concerned. It is provided that such consultation shall be carried out in the manner as may be laid down by the State Government by issuing a general or special order in this behalf. The second proviso to sub-section (2) of Section 32 stipulates that the decision taken by the majority of the Gram Sabhas concerned, by a resolution on

the above matters shall be binding on the concerned Panchayat Samitee or the Zilla Parishad, as the case may be; and thereafter, as provided in sub-section (3) of Section 32 only after considering the cause, if any, shown by the owners of the land and by any other person interested therein and after giving such owner and person an opportunity of being heard, the State Government is to pass such orders as it deems fit. For convenience, we to note the provisions of Section 32 which read thus:

Section 32 : Compulsory acquisition.

(1) If, at any time in the opinion of the State Government, any land is required for the purpose of development by the Corporation, or for any other purpose in furtherance of the objects of this Act, State Government may acquire such land by publishing in the *Official Gazette* a notice specifying the particular purpose for which such land is required, and stating therein that the State Government has decided to acquire the land in pursuance of this section.

(2) Before publishing a notice under sub-section (1), the State Government shall by another notice call upon the owner of the land and any other person who in the opinion of the State Government may be interested therein, to show cause, within such time as may be specified in the notice, why the land should not be acquired. ¹[The State Government shall also cause public notice to be given in the manner laid down in section 53 and in the *Official Gazette*]:

[Provided that, if the land proposed to be acquired falls within a Scheduled Area then the State Government shall before such acquisition consult,-

(i) the *Gram Sabha* and the *Panchayat* concerned if the land is falling within the area of one *Panchayat*;

(ii) the concerned *Gram Sabhas* and the *Panchayat Samitee* if the land is falling within the area of more than one *Panchayats* in the Block concerned;

(iii) the concerned *Gram Sabhas* and the *Zilla Parishad* if the land is falling within the area of more than one Block in the district concerned;

such consultation shall be carried out in the manner as may be laid down by the State Government by issuing a general or special order in this behalf :

Provided that the decision taken by the majority of the *Gram Sabhas* concerned by passing a resolution in above matters shall be binding on the concerned *Panchayat Samitee* or the *Zilla Parishad* as the case may be.

Explanation.- For the purposes of these provisos,-

(i) the expressions "*Gram Sabha*" or "*Panchayat*" and "*Scheduled Areas*" shall have meanings, respectively, assigned to them in the Bombay Village Panchayats Act, 1958 (Bom. III of 1959);

(ii) the expressions "*Panchayat Samitee*" and "*Zilla Parishad*" shall have the meanings, respectively, assigned to them in the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962).]

(3) After considering the cause, if any, shown by the owner of the land and by any other person interested therein and after giving such owner and person an opportunity of being heard, the State Government may pass such orders as it deems fit.

(4) When a notice under sub-section (1) is published in the *Official Gazette* the land shall on and from the date of such publication vest absolutely in the State Government free from all encumbrances :

[Provided that if before actual possession of such land is taken by or on behalf of the State Government, it appears for the State Government that the land is no more required for the purposes of this Act, the State Government may, by like notice, withdraw the land from acquisition and on the publication of such notice in the *Official Gazette*, the land shall revert with retrospective effect in the person in whom it was vesting immediately before the publication of the notice under sub-section (1), subject to such encumbrances, if any, as may be subsisting at that time. The owner and other persons interested shall be entitled to compensation for the damage, if any, suffered by them in consequence of the acquisition proceedings as determined in accordance with the provisions of section 33.]

(5) Where any land is vested in the State Government under sub-section (4), the State Government may by notice in writing, order any person who may be in possession of the land to surrender or deliver possession thereof to the State Government or any person duly authorised by it in this behalf within thirty days of the service of the notice.

(6) If any person refuses or fails to comply with an order made under sub-section (5), the State Government may take possession of the land, and may for that purpose use such force as may be necessary.

[(7) Where the land has been acquired for the Corporation or any local authority, the State Government shall, after it has taken possession thereof, by notification published in the *Official Gazette*, transfer the land to the Corporation or that local authority, as the case may be, for the purpose for which it was acquired, and the provisions of section 43-1A shall apply to any land so transferred.]

9. From what has been urged at the bar, it appears that the land acquisition proceedings today are at the stage, wherein the procedure as noted hereinabove would be now required to be followed under sub-section (2) of Section 32, and

more particularly, as to what has been provided in the first proviso, that is the objections of Gram Panchayats as also individuals interested therein and the owners of the land or agriculturists, would be required to be considered. Also an opportunity of a hearing is required to be granted by the State Government before any order to be passed for compulsory acquisition of the petitioners' land.

10. A reply affidavit to the present petition on behalf of the MIDC has been filed by Mrs. Priti Umakant Medhe, Area Manager of MIDC to contend that the petition is premature inasmuch as the notification dated 28 June 2023 has been issued by the State Government declaring the lands of the petitioners proposed to be acquired for industrial area, for which procedure under sub-section (2) of Section 32 of the MID Act is being followed and only after the lawful procedure is followed, a final notification under sub-section (1) of Section 32 would be issued. The relevant contents of the said reply affidavit are required to be noted which read thus:-

"2) I say that the Maharashtra Industrial Development Corporation (hereinafter referred to as the "MIDC" for the sake of brevity) has been established under the provisions of the Maharashtra Industrial Development Act, 1961 (hereinafter referred to as "the said Act" for the sake of brevity). In furtherance of the objectives of the said Act, the MIDC has established various industrial areas and industrial estates throughout the State of Maharashtra. The lands acquired under the Act by the State Government are handed over to the MIDC, which develops the land to establish the industrial areas and estates, to make available to the industrialists and entrepreneurs land, factory shed, buildings etc. on such conditions as may be deemed proper by the Corporation. The Corporation also provides common amenities like roads, water supply, drainage, effluent system etc. to the Industries in these Industrial Areas/Estates. These industrial Areas and Estates are thus, developed in a phase wise and planned manner in accordance with the provisions of the said Act and the Regulations and Rules framed thereunder. I crave leave of this Hon'ble Court to refer to and rely upon the statutory enactment and the Regulations framed thereunder when produced. I say that under MRTTP Act, 1966 MIDC is Special Planning Authority in respect of MIDC Industrial Area.

3) I say that in the present Writ Petition, the Petitioners are seeking a writ of mandamus from this Hon'ble Court by challenging the notification dated 28.06.2023 issued by the State Government declaring the lands of the Petitioner to be industrial area and also challenging Orders passed by the Respondents including the notification dated 25.09.2023, under Section 32(2) of Maharashtra Industrial Development Act, 1961 and prayed for cancelling the land acquisition.

4) I say that issue involved in the present Petition relates to acquisition of land bearing Gut No. 1334 admeasuring OH 47.80R at village Adwan, Taluka Igatpuri, District Nashik. (hereinafter referred to as "the said land"). The said land along with other lands are required for setting up industrial area of MIDC.

5) I say that the State Government issued a Notification under Section 1 (3) read with Section 2 (g) applying Chapter VI of the Maharashtra Industrial Development Corporation Act, 1961 to various lands including Gut No. 1334 admeasuring OH 47.80R at village Adwan, Taluka Igatpuri District Nashik and declared that the said lands as Industrial Area. The said notification was published in the Government Gazette on 28.06.2023. The said notification is annexed as Exhibit - A to the Petition.

6) I say that thereafter the State Government issued a Notification under Section 32 (2) of the Maharashtra Industrial Development Act, 1961, which was published in the Official Gazette dated 12.10.2023 to 18.10.2023 inviting objections from the land owners and / or person interested in the said lands. Annexed hereto and marked as Annexure "1" is a copy of the Notification issued by State Government under Section 32 (2) of the MID Act. It was specifically stated on the said notification that the land owners who desire personal hearing can approach the SLAO.

7) I understand from the office of the Respondent no 1 that pursuant to the said notification, the Respondent No 1 has issued notices dated 25.09.2024 to all land owners inviting their objections to the proposed acquisition of their lands. The said notices have been annexed to the above Petition. I understand from the office of the Respondent No. 1 that the hearing of the objections filed by the Petitioner and other land owners is in process.

8) I say that, as per the Government of India Gazette dated 02.12.1985, the provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 ("PESA Act") are applicable to Village Adwan, Taluka Igatpuri, District Nashik. I understand from the office of the Respondent No. 1 that the process of consultation with Gram Sabha and the concerned Panchayat will be carried out in accordance with the provisions of Section 32(2) of the MID Act, 1961.

9) I understand from the office of the Respondent No. 1 that after duly complying with the provisions of Section 32 (2) of the MID Act, 1961 namely hearing of objection of the land owners and consultation with the Gram Sabha and the Panchayat the further process in respect of the present acquisition would be carried out. The present Petition is therefore premature as the Petitioners objection would be duly considered by the Respondent No. 1 before proceeding further with the acquisition.

10) In view of the aforesaid, I say and submit that the Petitioner is

not entitled for any reliefs as claimed by the Petitioner There are absolutely no merits in the contentions raised by the Petitioner in the above Petition and the Petitioner has not made out any case for interference under Article 226 of Constitution of India and the above Petition is liable to be dismissed with cost.”

11. A reply affidavit on behalf of the State Government is also filed of Dr. G. V. S. Pavan Datta, IAS, Assistant Collector & Sub Divisional Officer, Igatpuri-Trimbakeshwar sub Division, Nashik. In such affidavit he states that a notification dated 30 June 2023 issued under Section 1(3) of the MID Act pertains to acquisition of the said lands situated at village Advan and village Pardevi, Taluka Igatpuri, District Nashik, for industrial purpose. It is stated that in such context, a meeting was held on 12 June 2025 by the Hon’ble Minister (Industry) at Mumbai, in which the Additional CEO (Administration), MIDC, Mumbai; the Collector, Nashik; Joint Secretary (Industry); Under Secretary (Industry); Deputy CEO-3, MIDC, Mumbai; Assistant Collector & Sub-Divisional Officer, Igatpuri-Trimbakeshwar Sub Division, Nashik and Regional Officer, MIDC, Mumbai were present. It is stated that in the said meeting the Hon’ble Minister issued various directions regarding measurement of land of the project affected person, verification of title of the land owners, contour survey, geographical consistency etc. It is further stated that in pursuance of the said notification dated 30 June 2023 issued by the State Government, the Sub Divisional Officer (SDO), Igatpuri a notice under Section 32(2) of the MID Act, on 25 September 2024 was issued to the land owners / petitioners whereby objections were invited against the acquisition of their lands. In response to such notices the Sub-Divisional Officer (SDO) has received 99 individual and 19

representative objections from village Advan and 30 individual objections from village Pardevi from the petitioner and other land owners. It is stated that hearing on the objections as raised by the petitioner and other land owners is in progress and not yet concluded. It is also categorically stated that as per the Government of India Gazette dated 2 December 1985 the provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996, (PESA Act) are applicable to the village Advan and village Pardevi, Taluka Igatpuri, District Nashik, and therefore, the process for taking Gram Sabha consent/resolution for acquisition under Section 32(2) of the MID Act is under process. It is further stated that under the provisions of the MID Act, a final notification under Section 32(1) would not be issued, unless objections of the land owners are decided and consent/resolution of the Gram Sabha is taken. It is further stated that despite continuous consultations with the villagers of Advan and Pardevi, they have protested during joint measurement of the lands under acquisition, and therefore, the joint measurement of the lands under acquisition has been carried out under police protection, and accordingly, the amended joint measurement sheet of village Pardevi, was received by the Sub-Divisional Officer, Igatpuri on 21 August 2025 and amended joint measurement sheet of village Advan was received on 9 September 2025. It is next stated that after issuance of the notification dated 30 June 2023, mutation entries on the proposed acquisition of the land were taken in the record of rights, to avoid further transfer of land/s under acquisition. In conclusion it is stated that the process of law to acquire the said lands, is in progress and the petitioners have every opportunity for placing

their grievances at every stage of acquisition before respondent No.1. For such reasons the present petition is premature.

12. On the aforesaid backdrop, we have heard learned Counsel for the parties. At this stage the position is clear that the final notification under sub-section (1) of Section 32 of the MID Act is yet to be issued which can be issued only when the proper procedure in law is followed. Thus, the lands in question are yet to be acquired, hence, these lands cannot be said to be vested with the State Government. The land acquisition proceedings are at the stage contemplated by sub-section (2) of Section 32, namely the procedure whereunder objections on behalf of Gram Sabha and the Panchayat as also from the owners of the land i.e. the petitioners, would be now considered in the manner known to law. Also an opportunity of personal hearing is yet to be given to the petitioners / other stake holders. Unless such procedure as known to law is taken to the logical conclusion, the land cannot be acquired and status quo as of date is required to be maintained. We may accordingly observe that the State Government needs to complete the procedure of considering the objections which are raised by Gram Sabha and the Panchayat Samitee concerned and the owners and individuals as may be raised by the petitioners, strictly as per law.

13. We are, however, quite surprised by the action on behalf of the State Government of a meeting being held on 12 June 2025, in which the Collector, Nashik and various representatives of the MIDC were present, when in such meeting directions were issued regarding measurement of the land of the project affected person; verification of title of the land owners, contour survey,

geographical consistency etc. that too at the higher echelons of the State Government, when the acquisition proceedings need to be at the level of the competent officer, are at the initial stage as noted hereinabove. Thus, when the land acquisition proceedings are seized with the Competent Authority(Land Acquisition Officer), as to how at the level of the State Government a meeting can be held and directions can be issued, appears to have caused panic amongst the agriculturists. As rightly contended on behalf of the petitioners, this intervention at the level of the State Government appears to be a premature in the legislative scheme of the acquisition of the lands, when the Competent Officer is already seized with the acquisition proceedings.

14. In the aforesaid circumstances, we are of the opinion that only after a lawful procedure is followed, i.e. after the petitioners / land owners are heard on each and every grievance/objection as raised by the Gram Sabha and Panchayat Samittee are considered, a final decision on acquisition as per law would be required to be taken.

15. We are also surprised by the stand taken by the State Government in the reply affidavit when it makes a bald statement that the process of deciding the objections of the land owners and taking of the Gram Sabha consent/resolution is under progress, when it clearly shows that the Gram Sabha has opposed the acquisition of the land. We observe so, as there ought not to be an impression being given to the petitioners or the Gram Sabha's, that the land acquisition would be coercively undertaken without the will of the people and/or the stand of the petitioners and that of the Gram Sabhas being considered, as mandated by

sub-section (2) of Section 32 of the MID Act as also the provisions of the PESA Act and other environmental laws, including the impact of such land acquisition on the ecology is concerned. It ought not to be that any decision is taken which is not in accordance with the procedure as contemplated under sub-section (2) and/or is rendered a *fait accompli* is being meted out to the petitioners under sub-section (1) of Section 32 as rightly urged by the petitioners which is a drastic consequence of the land being vested with the State Government.

16. While parting we may also observe that it is a bounden obligation on the State Government to maintain ecology of a certain regions in the State of Maharashtra, as also considering the effect of any pollution being caused to the ecologically sensitive areas. This more particularly considering the contention of the petitioners on the pristine location of the present land. The effect of industrialization on subsoil water as also on other important factors concerning the environment needs to be considered when such lands, as informed to us, are in close vicinity of lakes supplying water to Mumbai and the adjoining areas. We are sure that all these aspects shall be considered by the authorities before agriculture is being extinguished, for the purpose of industrialization and more particularly, in an already “progressed State”, in predominantly agrarian and ecologically sensitive areas of Nashik district.

17. In the aforesaid circumstances, we are inclined to dispose of these petitions in terms of the following order:-

ORDER

(i) The procedure as set into motion to acquire the land of the petitioner under sub-section (2) of Section 32 shall be strictly carried out in accordance with law, that is on consideration of the objections of the petitioners as also of the respective Gram Sabha's and Panchayat Samiti's and after granting an opportunity of hearing all the concerned, such objections shall be first decided, before taking any decision on the acquisition of the land. It is only after such reasoned decision is made known to the petitioners, the Gram Sabha's and Panchayat Samiti, further steps be taken under Section 32 of the MID Act.

(ii) Status quo as on date in regard to the possession as also the mutation entries shall be maintained till the final appropriate decision in the manner known to law is taken.

(iii) All contentions of the parties on the acquisition proceedings are expressly kept open.

18. The petitions are accordingly disposed of in the aforesaid terms. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)