

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11613 OF 2024

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Devidas S. Bhosalkar

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Mr. Sumit Khaire for Petitioner.

Ms. M. S. Bane AGP for Respondent-State.

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

DATE: 25<sup>th</sup> September 2025

P.C.

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

*“(a). This Hon’ble Court be pleased to issue appropriate writ, order and/or direction and be pleased to direct the Respondents to consider the representation of the Petitioner dated 18/12/2023 & transfer land on the name of the Petitioner on such price at which his land was acquired from them.*

*(b) Pending the hearing & final disposal the present Writ Petition the Respondent may be directed not to take the possession of the the lands of the Petitioner & not to create third party interest & hand over possession to the third party.*

*(c) Ad-interim relief in terms of prayed clause (b) may kindly be granted.*

*(d) Any such further and other reliefs in the circumstances of the case as the Hon’ble Court may deem fit and proper;”*

2. The Petitioner is aggrieved by an inaction on the part of the Respondents in not deciding their Representation dated 18<sup>th</sup> December 2023 and therefore not transfer land in the name of the Petitioner inspite of the fact that the Respondents have agreed to do the same by way of letter dated 8<sup>th</sup> December 2023. It is the Petitioner's contention that he is the owner of Gat No. 219 admeasuring 1H 19R, situated at Village Badhalwadi, Tal. Vadgaon Maval, Dist. Pune and Respondent No. 1 has issued notification under Section 13 of the Maharashtra Industrial Development Act, 1961 (MID) Act and also declared the said area as Industrial Area as per Section 2(g) of the MIDC Act and issued notification on 23<sup>rd</sup> March 2005. In pursuance of the above notification, Respondent No.5 issued show cause notice under Section 32(2) of the MID Act to all the owners of the land including the Petitioner. In response to the same, the Petitioner replied stating that the land which is sought to be acquired is an irrigated land and is the only source of income for the Petitioner, and if the same is acquired, then he will become landless. Respondent No.4 without considering the objection of the Petitioner, determined the compensation as per Section 33(3) of the MID Act and passed an Award on 24<sup>th</sup> March 2017.

3. Post passing the award, the Petitioner filed representation dated 2<sup>nd</sup> November 2023 stating that he will be ready to take as Industrial Plot from Gat No. 300 admeasuring 21R land as per map & land acquired from Gat No. 300, 249 & 219 total area admeasuring 1H 30 R for construction of road and therefore Petitioner is ready to take 1H 30R land as Industrial plot after excluding the land acquired for road from Gat No. 249 & 219. Respondent No.2 agreed to the

aforesaid proposal of the Petitioner and also informed the Petitioner that his aforesaid representation dated 2<sup>nd</sup> November 2023 will be sent to the head office for approval. In pursuance to the letter dated 8<sup>th</sup> December 2023 issued by Respondent No.2, the Petitioner has filed an application dated 18<sup>th</sup> December 2023 which is still pending.

4. In our view since the said Application dated 18<sup>th</sup> December 2023 is pending consideration for a long period of time, the same is causing grave prejudice to the Petitioner and considering the limited reliefs that the Petitioner seeks in the present Petition and although there being no written opposition/reply of the Respondents, considering the nature of the orders which 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 to consider and decide the representation dated 18<sup>th</sup> December 2023 filed by the Petitioner, 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 Petitioner.
- 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.)