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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 16579 OF 2024**

Kharbhumi Krushi Samnvay Samiti
(Reg) & Ors. .. Petitioners

Versus

The State of Maharashtra & Ors. .. Respondents

Mr. Ashwin Thool a/w Sarthak Bharsakle and Archishmati Chandramore for petitioner.

Mr. K. B/ Dighe, Addl. Govt. Pleader with Mr. S. P. Kamble, AGP for respondent nos.1 to 4 & 6.

Mr. Akshay P. Shinde for respondent no.5.

Mr. Ajit Ram Pitale (Through VC) for respondent no.7.

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**CORAM: ALOK ARADHE, CJ. &
SANDEEP V. MARNE, J.**

DATE: 24th JUNE, 2025

ORAL ORDER [Per Chief Justice]:

1. With the consent of the learned counsel for the parties, heard finally.
2. The petitioner no.1 claims to be a registered society of farmers and petitioner nos.2 to 4 are the office bearers of petitioner no.1-Society.
3. In this writ petition, the petitioners have assailed the validity of the Government Resolution dated 16th October, 2023 by which land admeasuring 174.76 Hectare from Survey No. 30, situate at Mouje Mogharpadha, District – Thane has been handed over to Mumbai Metroplitan Region Development Authority (hereinafter referred to as "MMRDA") for setting up of Integrated Metro Car Shed Depot.

4. Facts giving rise to filing of the present writ petition, in nutshell, are that the members of the petitioner no.1 – Society claim to be lessees in respect of the land admeasuring 174.76 Hectare from Survey No.30, situate at Mouje Mogharpadha, District – Thane (hereinafter referred to as “the subject land”). The petitioners claim that they are in cultivating possession for several decades. Between 2006 to 2016 foundation of Mumbai Metro was laid down. The MMRDA by a communication dated 13th November, 2019 informed the Collector that a Metro Car Shed Depot was proposed to be built on the subject land and the District Collector was requested to take steps for acquisition of the land for the project. Thereupon the Government of Maharashtra on 12th January, 2022 issued a notice in relation to Mumbai Metro Line 4A and with regard to proposed Metro Car Shed Depot project on the subject land. The District Collector, Thane on 9th January, 2023 prepared a list of land holders on the subject land. Thereafter, by Government Resolution dated 16th October, 2023, the State Government transferred the subject land in favour of MMRDA on as is where is basis for setting up Metro Car Shed Depot project. In addition, space for coastal road as well as land for residential and commercial development was also set apart. The petitioners thereupon approached this Court in which challenge is made to Government Resolution dated 16th October, 2023.

5. Learned counsel for the petitioners fairly submitted that petitioners are not the owners of the subject land and the land belongs to State Government. It is, however, submitted that the petitioners are lessees and are cultivating possession for

past several decades. It is also contended that the impugned Government Resolution is *per se* arbitrary and suffers from vice of non application of mind.

6. On the other hand, learned counsel for the MMRDA, while pointing out to the affidavit-in-reply submitted that 22.5% as well as 12.5% is reserved for rehabilitation of the lease holders and the encroachers respectively. In case the petitioners fall under the aforesaid categories, they would be rehabilitated as per the decision taken by the State Government.

7. We have considered the rival submissions made on behalf of both the sides and have perused the record.

8. Admittedly, the petitioners are not the owners of the subject land. The aforesaid land belongs to the State Government. The State Government is free to put use of its land in accordance with law. The decision to transfer the subject land has been taken in public interest for setting up of Integrated Metro Car Shed Depot, which is a public purpose. A provision has been made for rehabilitation of the lease holders as well as encroachers. The decision taken by the State Government appears to be in public interest and cannot, by any stretch of imagination, be said either to be arbitrary or suffers from vice of non application of mind.

9. For the aforementioned reasons, we do not find any merit in this writ petition, which fails and is hereby dismissed.

(SANDEEP V. MARNE, J.)

(CHIEF JUSTICE)