

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

WRIT PETITION NO.16852 OF 2024

Jagdish Ghansyam Divecha and Ors. ... Petitioner

Versus

Union of India and Ors. ... Respondents

Mr T D Deshmukh a/w Mr Manoj Badgujar, for the Petitioner.
Mr Harsh Dedhia i/by Mr H S Venegarkar, for Respondent No.
2 to 5.

**CORAM : M.S. Sonak &
Jitendra Jain, JJ.**

DATED : 7 May 2025

PC:-

1. The pleadings in this Petition are complete. Learned counsel for the Petitioner submits that the only issue raised in this Petition is that Notification under Section 11 of the Act dated 30 August 2024 could not have been issued beyond 12 months from the date of appraisal of Social Impact Assessment Report submitted by the expert group under Section 7 of the Act. He submits that the Social Impact Assessment Report shall be deem to have lapsed and a fresh impact assessment shall be required to be undertaken prior to acquisition proceedings under Section 11 of the Act. He submits that in this case the date of appraisal of the social impact assessment report is 9 June 2023.

2. Accordingly, we place this petition for final disposal at the admission stage on 13 June 2025 at 2.30 pm subject to overnight part heard matters.

3. Learned counsel for the Petitioner states that the Petitioner has received a notice that possession of the property would be taken over on 26 May 2025. Accordingly, we restrain the respondents from acting on the notice dated 23 April 2025 and proceeding to take over possession of the Petitioner's property.

4. Learned counsel for Respondent No.2 to 5 submits that though the notice refers to taking over possession, on 26 May 2025, the matter is posted only for hearing the affected party including the Petitioner and not for taking over possession. Accordingly, we clarify that the hearing can go on but the possession of the Petitioner's property will not be taken until the next date which shall be 13 June 2025.

5. List the matter on 13 June 2025.

(Jitendra Jain, J)

(M.S. Sonak, J)