

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 18124 OF 2024

Pravin Keshav Dhumal & Ors.

...Petitioners

Versus

The State Of Maharashtra & Ors.

...Respondents

Ms. Amrita Kharkar i/b P. H. Potnis for Petitioners.

Mr. B. V. Samant, Addl. GP a/w Smt. Pooja Joshi – Deshpande, AGP for State – Respondent Nos. 1 to 3.

Ms. Shyamali Gadre a/w Ashwin Kulkarni and Mrunal Tavade i/b Little & Co., for Respondent Nos. 4 and 5.

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

DATE: 11 DECEMBER 2025

P.C.

1. This petition under Article 226 of the Constitution of India is filed praying for the following reliefs:

A. That this Hon'ble Court be pleased to issue a Writ of Mandamus or a Writ Order or Direction in the nature of Writ of Mandamus ordering directing the Respondents to pass Gazette notification under Section 32(1) of the said Act;

B. That this Hon'ble Court be pleased to issue a Writ of Mandamus or a Writ Order or Direction in the nature of Writ of Mandamus ordering directing the Respondents to pass an Award and determine the compensation as per Section 33(4) of the said Act in consonance with the provisions of Section 26 to 30 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 with a stipulated period;

C. That this Hon'ble Court be pleased to issue a Writ of Mandamus or a Writ and or Direction in the nature of Writ of Mandamus ordering and directing the Respondents to complete the acquisition as per the provisions of the Maharashtra Industrial Development Act 1961 read with Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 with a stipulated period.

D. That in the alternative to Prayer Clause A and B, this Hon'ble Court be pleased to issue a Writ of Mandamus or a Writ Order or Direction in the

nature of Writ of Mandamus ordering and Directing Respondents to release the land from acquisition;

E. That this Hon'ble Court be pleased to issue a Writ of Mandamus or a Writ Order or Direction in the nature of Writ of Mandamus Directing Respondents to remove the remark "Maharashtra Industrial Development Corporation Acquisition Reservation E-Pencil Noting" from the other rights column of the 7/12 Extract of the Petitioners."

2. The case of the petitioner is that although land acquisition proceedings under Land Acquisition Act, 1894 are initiated pursuant to the issuance of a notice under Section 32(2) of the Maharashtra Industrial Development Act, 1961, the proceedings are not being taken forward in accordance with law, in as much as, it is almost about six years that the acquisition has been kept pending. Further, issues are pencil entries qua the acquisition in the revenue record, thereby depriving the petitioners of the benefit of their land. The petitioners contention is that such situation of uncertainty cannot continue, as it prejudicially affects the petitioners right guaranteed under Article 14 read with 300A of the Constitution.

3. On the other hand, Mr. Samant, learned Additional Government Pleader, has submitted that the Competent Authority / Special Land Acquisition Officer was required to follow further procedure in regard to measurement of the concerned land. However, there were obstructions, and therefore, the proceedings could not be taken forward. This is being disputed on behalf of the petitioner.

4. Be that as it may, as informed to us by Mr. Samant, the acquisition needs to proceed unless it is decided that the acquisition is not to be taken forward in regard to which an intimation needs to be issued to the petitioners. This be either way it is intended to be taken forward or otherwise the petitioner be informed by the Competent Authority within a period of 15 days from the day a copy of this order is made available.

5. In the event, the acquisition is to proceed, all further appropriate steps as known to law shall be taken, and an endeavour shall be made to expeditiously publish an award by following the due procedure in law under the Maharashtra Industrial Development Act read with the provisions of the Right to Fair

Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

6. We keep open all contentions of the parties in this regard.

7. Needless to observe that, as the award is yet to be passed, the petitioners contention would be that the compensation be awarded to the petitioners at the current market rate is expressly kept open. The Special Land Acquisition Officer shall, in this context, act in accordance with law.

8. The Writ Petition stand disposed of in the aforesaid terms with a hope that in the event the acquisition is to proceed, the same be completed within a period of six months from today. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)