

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 19525 OF 2024

Sudhir Vasant Naik

...Petitioner

Versus

The State of Maharashtra

...Respondent

Mr Nitin Gaware Patil a/w Mr Divyesh Jain, for the Petitioner.

Ms P N Diwan, AGP for the Respondent.

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

DATED: 4 April 2025

PC:-

1. Heard Mr. Patil for the Petitioner and Ms. Diwan learned AGP for the state.
2. This petition, which was instituted on 17 October 2024, challenges an award made on 23 September 1986 under Section 11 of the Land Acquisition Act 1894 acquiring the land belonging to the Petitioner and other person in Gat No. 328/2 at village Theur, Tq. Haveli, Dist. Pune.
3. Concerning the apparent delay, the Petitioner has pleaded the following at paragraphs 39 and 40 ;

39. The petitioner states that after collecting the necessary documents, the petitioner is filing this Writ Petition as expeditiously as possible. The Petitioner states that, though the impugned order is dated 23.09.1986, the petitioner time and again has approached the Respondent authorities for redressal

of grievances. The petitioner states that, the petitioner since 1971 has been submitting representation to the Respondent authorities for redressal of his grievances. But none of the authorities has paid any heed. The petitioner states that, the authorities deliberately had failed to act upon the representation of the petitioner, which has caused serious prejudice to the petitioner.

40. The petitioner states that, the petitioner has been approaching the respondent authorities by moving representation recently till the year 2023. However, Civil Suit no 75/1998 was also pending before the Competent Civil Court, in which certain prohibitory orders were passed. The Petitioner is almost 81 years of age and presently is not in position to move and travel. It is expected of the states authorities to move swiftly and promptly in matters of land acquisition and the inaction of the Respondent is illegal, arbitrary and violative of Article 14, 21 & 300A of the Constitution of India. Therefore, there is no delay, if any delay, the same may kindly be condoned in the interest of justice.

4. Mr Patil submitted that after the impugned award was made on 23 September 1986, the Petitioner represented on 29 April 1987, offering alternate land. He referred to the communication dated 20 December 1989 signed by the Commissioner, Pune Division, and addressed to the Collector (Deputy Director, Rehabilitation) to enquire about the matter, send the report, and not allot the acquired land to the project-affected persons until then. Mr. Patil now says that the original objection to the acquisition was filed in July 1972.

5. According to us, neither the explanation set out in the petition nor one now offered across the bar is sufficient to explain this inordinate delay of over 40 years in challenging the award dated 23 September 1986.

6. Besides, the only challenge is the alleged non-consideration of the Petitioner's proposal to acquire the

alternate land. Learned AGP pointed out that the award does not even refer to the petitioner, but Mr Patil explained that the award refers to his predecessors in title. Admittedly, there are other co-owners whose properties were acquired under the said award. All of them have accepted this award and not challenged the same. We are not inclined to entertain this petition based on the grounds now raised and considering the inordinate and unexplained delay.

7. This petition is accordingly dismissed without any cost order. At this stage, Mr Patil states that the compensation for the acquisition has not been received. If this is so, it is for the petitioner to take appropriate steps in that regard. Significantly, there is no prayer in this petition seeking compensation. Here, the petition is to strike down the award on grounds which are far from appealing.

8. However, this petition is dismissed, and the petitioner is free to pursue the issue of compensation in case compensation is really not paid to the petitioners or their predecessors in title. This liberty must, however, not be misused to explain delay or take chances with the Court process.

(Jitendra Jain, J)

(M.S. Sonak, J)