

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

WRIT PETITION NO. 2356 OF 2019

M/s. Flemingo Resorts Pvt. Ltd. ... Petitioner
Versus
Maharashtra National Highways Authority
of India & Anr. ... Respondents

**WITH
INTERIM APPLICATION NO. 7867 OF 2024
IN
WRIT PETITION NO. 2356 OF 2019
WITH
WRIT PETITION NO. 7684 OF 2019
WITH
CIVIL APPLICATION NO. 47 OF 2023
WITH
CIVIL APPLICATION NO. 48 OF 2023
IN
WRIT PETITION NO. 7684 OF 2019**

Ms. Neha Bhavsar i/by V K Dubey Associates for the Petitioner in
WP/2356/2019.

None for Petitioners in WP/7684/2019.

Mr. A. I. Patel. Addl. G. P. a/w Mrs. M. S. Bane, APP for
Respondent-State in both Petitions.

**CORAM : MANISH PITALE AND
MANJUSHA DESHPANDE, JJ.**

DATE : 24th NOVEMBER 2025

P.C. :

. These petitions were listed on 12th November 2025. There
was no appearance on behalf of the petitioners in Writ Petition

No. 7684 of 2019. Even in Writ Petition No. 2356 of 2019, a casual request was made for adjournment on the ground that additional documents were to be filed. This Court had taken note of the fact that even on an earlier date, adjournment had been sought on the ground that the Advocate for the petitioner was not well. In that light, both these petition were directed to be listed today.

2. Writ Petition No. 7684 of 2019 was filed by the petitioners challenging an order dated 23rd August 2018 passed by the Sub-Divisional Officer and the competent authority, holding that the petitioner in Writ Petition No. 2356 of 2019 was entitled to payment of compensation for acquisition of a particular piece of land. While issuing notice in Writ Petition No. 7684 of 2019, as far back as on 12th October 2018, this Court stayed the aforesaid order of the competent authority dated 23rd August 2018, till the next date of listing. The said interim order continued to operate, while the petitioners in Writ Petition No. 7684 of 2019 failed to take appropriate steps, due to which the petition stood dismissed as against some of the respondents. Even the applications filed for restoring the petition as against such respondents, were not pursued in right earnest and therefore, by an order dated 10th October 2022, the Division Bench of this Court vacated the interim order dated 12th October 2018. Thereafter, the petition was listed on number of occasions, including on 12th November 2025. Due to non-appearance on behalf of the petitioners therein,

this Court gathered an impression that the petitioners do not wish to seriously pursue the said petition.

3. As noted hereinabove, even today, there is no appearance on behalf of the petitioners in Writ Petition No. 7684 of 2019. On this ground itself, we are inclined to dismiss the said writ petition.

4. As regards Writ Petition No. 2356 of 2019, we find that the said petition prays for direction to the respondents to pay compensation as per market value prevailing on the date of filing of the petition. It appears that the essential grievance of the petitioner is with regard to the quantum of compensation determined in the present case, as also the petitioner being deprived of the amount of compensation already determined in the light of the dispute raised by the petitioners in Writ Petition No. 7684 of 2019.

5. Since we are inclined to dismiss the Writ Petition No. 7684 of 2019, the order dated 23rd August 2018 passed by the competent authority and Sub-Divisional Officer, holding in favour of the petitioner in Writ Petition No. 2356 of 2019, would clearly inure to the benefit of the said petitioner.

6. As regards the grievance of the petitioner in Writ Petition 2356 of 2019 regarding quantum of compensation, obviously, the petitioner can avail of the remedy provided under the National Highways Act, 1956. There is nothing to show that the petitioner in the said petition has taken resort to such a remedy.

7. Therefore, we are inclined to dispose of Writ Petition No. 2356 of 2019 by issuing appropriate directions.

8. In view of the above, Writ Petition No. 7684 of 2019 is dismissed. Writ Petition No. 2356 of 2019 is disposed of by holding that the petitioner in the said petition would be at liberty to take resort to the remedies available in the National Highways Act, 1956, with regard to the quantum of compensation determined. If such remedies are availed, they would be decided in accordance with law.

9. Pending applications, if any, also stand disposed of.

10. Considering the fact that the petitioner in Writ Petition No. 2356 of 2019 had filed the said writ petition and it remained pending before this Court, if the said petitioner seeks to avail of remedy available under the National Highways Act, 1956, the concerned authority shall take into consideration Section 14 of the Limitation Act, 1963, in accordance with law.

11. The Writ Petitions are disposed of accordingly.

(MANJUSHA DESHPANDE, J.)

(MANISH PITALE, J.)