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

WRIT PETITION NO. 842 OF 2025

Amit Akheraj Chheda And Ors. ... Petitioners

Versus

State of Maharashtra Through
Its Principal Secretary Through
Govt Pleader And Ors. ... Respondents

Mr Gaurav Potnis a/w Ms Radhika Chittewar i/b P. H. Potnis,
for Petitioners.

Mr Yogesh Vijay Patil, for Respondent No.6-MSRDC.

Mr Siddharth R. Karpe, for Respondent No.9.

Mr Sumedh S. Modak i/b Mr Vijay Killedar, for Respondent
Nos.10A and 10B.

Ms S. D. Vyas, Addl.G.P. a/w Ms V. R. Raje, A.G.P., for
Respondent-State.

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

DATED : 29 APRIL 2025

PC:-

1. Heard learned counsel for the parties.
2. The Petitioners seeks a writ of mandamus directing the Sub Divisional Officer, Bhore (Respondent No.3) to refer their Application dated 09 January 2025 along with compensation

amount of Rs.6.95 crores to the Principal Civil Court of Original Jurisdiction under Section 19C (4) of the Maharashtra Highways Act, 1955 (“the MH Act”).

3. On 17 January 2025, we made an interim order restraining the third Respondent from disbursing the compensation amount to any of the parties, including the private Respondents in this Petition, till the next date.

4. When making this order, we were not apprised of the circumstance that the Petitioners purchased the acquired property after its acquisition, possibly as speculators having their eye on the compensation amount usually paid under the 2013 Land Acquisition Act. Further, an impression was created that the third Respondent was bent upon disbursing the compensation of almost Rs. 7 crores to the private Respondents, even though the Petitioners had raised an apportionment dispute based upon their alleged purchases of the acquired lands. Our order, apart from restraining the third Respondent, also directed him to file an affidavit explaining whether the Petitioners at all raised any dispute and if raised, how, despite such dispute, the third Respondent had proposed to disburse the entire compensation amount to the private Respondents.

5. Today, when the matter was called out, Mr Potnis, learned counsel for the Petitioners, submitted that the Petitioners are only interested in ensuring that the compensation amount is deposited before the Court, where

the apportionment disputes can be sorted out. He states that pursuant to the Petitioners' representation, the Competent Authority has passed an order dated 11 March 2025 that the dispute raised by the Petitioners will also be referred to the Court. Therefore, the Petitioners had no further grievance in this Court. He submitted that directions may now be issued for transferring/depositing the entire compensation amount of approximately Rs.6.95 crores with the Competent Court so that no parties get such compensation until the apportionment dispute is adjudicated and decided upon by the Competent Court.

6. However, Ms. Raje, the learned AGP, Mr. Karpe and Mr. Modak, appearing for some of the Respondents, drew our attention to the order dated 30 September 2024 made by the third Respondent. In this order, after taking cognisance of the disputes between various parties on the issue of apportionment, the third Respondent issued directions for a reference and deposit of the compensation amount before the Reference Court by quoting Section 19 C(4) of the MH Act.

7. Thus, from 30 September 2024, it was clear that the third Respondent was not bent upon disbursing any compensation amount to the private parties in breach of the provisions of the MH Act. Still, an impression was created to obtain interim relief that the third Respondent was bent upon disbursing this amount by excluding the Petitioners.

8. However, Mr. Potnis, the learned counsel for the Petitioners, pointed out that the order dated 30 September 2024 does not include them. He, however, admitted that the Petitioners applied for compensation or raised a dispute of apportionment sometime in October 2024, i.e., after the third Respondent made the order dated 30 September 2024. Therefore, the Petitioners can hardly complain about the absence of their names in the order dated 30 September 2024.

9. In terms of the directions issued by this Court, the third Respondent has filed an Affidavit. In the Affidavit, the third Respondent explained how he was desirous of disbursing the compensation to any of the private parties at no stage. He has explained that even the Petitioners' belated application was to be referred to the Competent Court. Ms. Raje submitted that the compensation amount would be forwarded to the Competent Court. The Petitioners have thus secured the relief that they intended by instituting this Petition.

10. However, we cannot appreciate the way the interim orders were obtained by creating an impression that the third Respondent was bent upon disbursing the compensation of Rs.7 crores to the private parties by excluding the Petitioners. Similarly, the Court was also not apprised about the Petitioners having purchased the acquired properties after they were acquired or after acquisition was imminent.

11. We agree with the learned counsel for the Respondents that an impression was created that the Competent Authority

was about to disburse the compensation amount to some of the parties, and based on the same, we were persuaded to make the order dated 17 January 2025. This was at the instance of the Petitioners who have allegedly purchased the properties, after the acquisition proceedings, possibly as speculators.

12. Of late, there has been a rise in speculators purchasing acquired properties and the accompanying litigation, given the large package of compensation offered under the 2013 Land Acquisition Act. These facts are never candidly disclosed. There is invariably some statement or document in the enclosed labyrinth of papers. However, this aspect was not pointed out while the interim relief was being pressed.

13. Mr. Karpe submitted that the parties he represents have filed a criminal complaint against the Petitioners for fraudulently purchasing the property. He submitted that, as owners, the parties whom he represents were excluded from the conveyances. There is no question of our going into such issues in this Petition. The parties are free to explore their legal remedies. But we do express our concern at parties obtaining interim orders in the way the interim order was obtained in this case.

14. Now that Mr. Potnis states that a reference is being made and the learned AGP confirms that the compensation amount would be deposited with the Competent Court, we dispose of this Petition. However, we direct that the

Petitioners must pay costs of Rs. 50,000/- (Rupees Fifty Thousand only) to the KEM Hospital, Mumbai, within four weeks from today.

15. This tendency of making incorrect submissions, creating artificial urgency and obtaining interim orders needs to be curbed. It is pertinent to note that it is only after the Competent Authority made the order dated 30 September 2024 that the Petitioners, subsequent purchasers, applied to the Competent Authority on 21 October 2024.

16. The account details of the KEM Hospital are as under:-

Bank Account of Hospital	:	Poor Box Charity Fund, K.E.M. Hospital, Mumbai
Bank Account Number of Hospital	:	99350100000877 (S.B.)
Bank and Branch	:	Bank of Baroda, Parel Branch
Address, Tel. No., Fax No. and e-mail of the concerned Bank	:	Bank of Baroda, Madina Manzil, 88, Dr. Ambedkar Road, Mumbai – 400 012, Maharashtra, 022-24713820, dbpare@bankofbaroda.com
MICR Code Number	:	400012246
IFSC Number	:	BARB0DBPARE (5TH Letter is Zero)
PAN	:	AAATK3087D
Type of Account	:	Saving A/C

17. The Petitioners must file a compliance report showing that they have paid this amount, with advance copies to the learned counsel for the Respondents.

18. This Petition is disposed of in the above terms.

(Jitendra Jain, J)

(M.S. Sonak, J)