

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.843 OF 2025

Kusumakar Hari Gokhale and another

Petitioners

versus

Pimpri Chinchwad Municipal Corporation
and others

Respondents

Mr.Mandar Limaye with Mr.Vedant Bende for Petitioners.

Mr.Kedar B. Dighe for Respondent no.1.

Ms.M.S.Bane, AGP, for Respondent nos.2 to 4 State.

Mr.Amol V.Kanade, Deputy Engineer, Town Planning Department, PCMC,
present.

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

DATE: 15th December 2025

P.C.

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

“(a) For a Writ of Mandamus or a writ in the nature of Mandamus or
any other appropriate writ, order or direction :

(i) directing the Respondent No.1 to withdraw and cancel award
dated 15.10.2024 passed by the Respondent no.3 and consequentially
also withdraw and cancel Notice dated 19.12.2024 issued by
Respondent no.3,

(ii) directing the Respondent nos.1 to 3 not to take any
coercive steps against the lands and structures belonging to the
Petitioners as stated in para 2 of the petition;

(iii) directing the Respondent no.3 to decide the objection
dated 10.3.2022 taken by the Petitioners and give them an
opportunity of being heard;

(b) For a Writ of Certiorari or a writ in the nature of Certiorari or any other appropriate writ, order or direction thereby calling for records and proceedings of impugned award dated 15.10.2024 passed by Respondent no.3 and consequential notice dated 19.12.2024 issued by Respondent no.3 and after examining the legality, validity and propriety thereof, the impugned award dated 15.10.2024 passed by the Respondent no.3 and consequential notice dated 19.12.2024 issued by Respondent no.3 be quashed and set aside;

(c) Pending the hearing and final disposal of the writ petition, the Respondent nos.1 to 3 be restrained from taking any coercive steps pursuant to the notice dated 19.12.2024 issued by Respondent no.3,

(d) Pending the hearing and final disposal of the writ petition, the effect, operation and implementation of impugned award dated 15.10.2024 passed by Respondent no.3 and consequential notice dated 19.12.2024 issued by respondent no.3”

2. Although an award is passed on 15th October 2024, it is the Petitioners’ grievance that the land of the Petitioner, which is subject matter of the acquisition is not demarcated in a manner known to law, as also the possession of the same is also yet to be taken. There is some dispute in respect of the land on which there exists Petitioners’ structure as to whether it is subject matter of acquisition. We do not intend to delve on such issues, as it is an issue which can be addressed in the actual demarcation of the land when possession would be taken in the context and nature of the award in relation to the land and structure, if any, of the Petitioners.

3. Mr.Dighe, learned AGP, on instructions of Mr.Amol V.Kanade, Deputy Engineer, Town Planning Department, PCMC, makes a statement that award amount has already been deposited with the Special Land Acquisition Officer prior to passing of award, which it appears is yet to be disbursed to the Petitioners. The acquiring body would be entitled to receive the possession of Petitioners’ land, which is subject matter of the acquisition as after acquisition the same would stand

vested with the State Government to be handed over to the acquiring body
Respondent no.1.

4. We accordingly direct that within four weeks from today the Special Land Acquisition Officer shall disburse the said amount in favour of the Petitioners. The Petitioners shall accept the amount without prejudice to their rights and contentions. In that regard, all contentions are expressly kept open.

5. Insofar as demarcation of the land is concerned, as the possession of the land is yet to be taken over from the Petitioners, we direct the Special Land Acquisition Officer to undertake a fresh exercise of demarcation in the presence of all parties including the Petitioners herein, which shall be completed within four weeks, and after such demarcation exercise is over, the possession of the land as acquired, shall be handed over by the Petitioners to the Special Land Acquisition Officer within four weeks from the date of such demarcation. We keep open all contentions of the parties in respect of any dispute in that regard.

6. The petition is accordingly disposed of, however, keeping open all contentions of the Petitioner in regard to any land which is not the subject matter of the acquisition. All contentions of the acquiring body as also the State Government in regard to award are expressly kept open. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)