

Amol

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4092 OF 2025

Prashant P Panmand & Ors

...Petitioners

Versus

The State of Maharashtra thr.

Special Land & Acquisition Officer & Anr

...Respondents

Mr Anuj Tiwari, *for the Petitioners.*

Mr B V Samant, Addl GP, with Ms Vrishali Raje, AGP, *for the Respondent.*

Mr Kedar B Dighe, *for the Respondent No. 2- PCMC*

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

DATED: 21 March 2025

ORAL JUDGMENT *(per M. S. Sonak, J)*

1. Head learned Counsel for the parties.
2. We are constrained to state that this Petition is an abuse of the judicial process and a crude attempt to stall taking over possession for the widening of a public road by the Petitioners.
3. Learned Counsel for the Petitioners, no doubt, based on instructions from the Petitioners, contended that the Petitioners' names or properties are nowhere reflected in the

acquisition award. Still, the authorities have issued notices for taking over possession.

4. Impressed with this submission, we posted the matter in the afternoon session after requiring the Petitioners to serve notices on the Respondents. Notices have been served.

5. Mr Dighe, the learned Counsel for the Pimpri Chhinchwad Municipal Corporation (PCMC) (R2), pointed out that though this Petition was filed on 19 March 2025, a copy of the same and notice of today's hearing were served upon the 2nd Respondent only at 1:00 PM today.

6. Mr Dighe placed on record an order dated 2 May 2014 disposing of Civil Application No. 67 of 2014 in Writ Petition No. 9195 of 2009 made by the Coordinate Bench comprising Mohit S Shah, C.J. & M. S. Sanklecha, J. This order notes that out of a stretch of road of 8 kilometres, 7.650 kilometres road is already constructed. Only the balance of 350 meters remains to be built. The order records that this road project was a World Bank project of Rs. 250.86 Crores and had to be completed at the earliest.

7. The above order permits the municipal corporation to take over the possession of the 350 meters stretch, if necessary, with the assistance of the police force. Admittedly, the Petitioners fall within this stretch of 350 metres.

8. Along with the Petition, the Petitioners have annexed an award dated 10 April 2017, which makes particular reference to Writ Petition No. 9195 of 2009 and the Civil Application No. 67 of 2014 therein.

9. In a bid to snatch an interim order from us, the Petitioners suppressed this order dated 2 May 2014. The learned Counsel for the Petitioners, however, claims that the Petitioners did not give him any instructions regarding this order. If so, the Petitioners deserve to suffer for suppressing relevant and vital materials from this Court.

10. The contention that Petitioners' names do not appear in the award reflects only half-truth. The Petitioners' names may not appear in the award, but the property of which the possession is now sought to be taken is sufficiently described in the award.

11. Mr Dighe pointed out that in the property records, this property is shown in the name of Pushparaj Society, of which the Petitioners are members. Mr Dighe submitted that, in all probabilities, they have put up illegal constructions, and therefore, their names are not reflected in the property records. There is nothing to show that the Petitioners made any efforts to have their names included in the property records.

12. Mr Dighe pointed out that in terms of the award, compensation for the acquisition of this stretch is already paid/deposited under the New Land Acquisition Act of 2013, which was, in fact, the demand of the cooperative society. This contention was accepted in the above-referred order of 2 May 2014. All these relevant facts were suppressed, and the case was sought to be made out as if, without any acquisition, the possession of the subject property was sought to be taken over from the Petitioners.

13. The entire edifice of writ jurisdiction is filling proper affidavits by parties and being candid with the writ Court. These are summary proceedings where we trust that the Petitioners and Respondents will make complete disclosures and not suppress any relevant facts. Once this trust is breached, there is no option other than to dismiss such Petitions if necessary, by imposing exemplary costs.

14. If the Respondents had not been served and had not placed these undeniable facts on record, perhaps he would have granted interim relief, unmindful that the World Bank project, which was almost 95% complete, would be stalled. We would have had no idea about the previous orders for taking over possession with police assistance or of the inclusion of the subject properties in the award.

15. For all the above reasons, we dismiss this Petition. As regards costs, this is a fit case for imposing exemplary costs. However, at the persuasion of Mr Anuj Tiwari, the learned Counsel for the Petitioners, we impose token costs of Rs. 5000/- on each Petitioner i.e., total costs of Rs. 15,000/-. He submitted that the Petitioners were senior citizens, and the petition was filed and moved in hurry. He submitted that the petition was tried to be served on the Respondents immediately, but because of some discrepancy in the initials on the letterhead, service was refused.

16. Considering the above, only token costs are ordered. These costs must be paid to the Government Sassoon Hospital at Pune within 15 days from today, and the receipt of payment along with proof of payment must be filed in this Court with

an advance copy to Mr Dighe, the learned Counsel for the PCMC.

17. If the costs are not paid despite the leniency shown, and the PCMC has to move this Court again to point out that they are not, this amount would be considerably enhanced apart from action under our contempt jurisdiction.

18. Accordingly, this Petition is dismissed with costs.

(Jitendra Jain, J)

(M.S. Sonak, J)