

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4486 OF 2025

Ramdas Anandrao Shelke & Anr. ...Petitioners

Versus

The District Collector, Sangli & Ors. ...Respondents

Mr Gautam Kanchanpurkar, for the Petitioners.

Mr R S Pawar, AGP for the Respondent/state.

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

DATED: 4 April 2025

PC:-

1. In terms of our order dated 3 April 2025, service has been made on Respondent nos. 3 to 5.
2. Heard learned counsel Mr. Kanchanpurkar for the Petitioner and Mr. Pawar for the Respondent.
3. On 3 April 2025, impressed with Mr Kanchanpurkar's submission that the Petitioner's property was being interfered with without any acquisition, we issued fresh notices to Respondent nos.3 to 5. Also, we required Mr Pawar learned AGP to obtain immediate instructions. We also directed Respondents No. 3 to 5 to appear virtually, which they have done.
4. Mr. Pawar today produces before us a notice dated 28

February 2025 informing the Petitioners about the award made to acquire, at least prima facie, the Petitioner's property. The notices show that they were received and signed by Petitioner No. 2, and the notice also indicates that Petitioner No. 1 was out of station and, therefore, could not be served the notice.

5. Mr Kanchanpurkar states that the notice could be deemed to have been served to Petitioner No. 2 on 28 February 2025. Admittedly, there is no reference to this notice in the Writ Petition filed a month later on 29 March 2025. Yesterday, Mr. Kanchanpurkar, no doubt, on instructions of the Petitioner, vehemently pressed for interim reliefs. Even today, he pressed for interim relief by trying to contend that this was an acquisition in breach of Sections 21 and 23 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (2013 Act).

6. There is a qualitative difference between no acquisition and an acquisition which, according to the Petitioners, is in breach of the 2013 Act. At least prima facie, this is the case of suppression. We say prima facie because Mr. Kanchanpurkar seeks leave to file an affidavit and explain the matters.

7. We must note that we were nearly persuaded to grant an ex-parte order, or an order made without providing sufficient opportunity to the Respondents, due to the absence of instructions from them. Since the fact of the notice of the award was largely suppressed, and since the award suggests, at least on its face, the acquisition of the Petitioner's property, we believe that no ad-interim orders can be issued to restrain

the Respondents from continuing their work on the acquired property.

8. At least prima facie, we get the impression that an ex-parte order or at least an order without disclosing all the facts was attempted to be obtained from us yesterday.

9. Still, at Mr. Kanchanpurkar's request, we post this matter for admission on 8 April 2025. He states that the affidavit will be filed and served by 7 April 2025.

10. Stand over to 8 April 2025 for direction/hearing.

(Jitendra Jain, J)

(M.S. Sonak, J)