

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7666 OF 2025

Vasant Kumar Chaganlal Mehta & Anr.Petitioners

Vs.

State Of Maharashtra

Through Secretary, Maharashtra State

Road Development Corporation & Ors.Respondents

Mr. Mitesh Jain, for the Petitioners.

Mr. Ketan Joshi, 'B' Panel a/w Ms. M. S. Bane, AGP for the Respondent-State.

Mr. R. M. Haridas a/w Mr. Prasad Kulkarni, Mr. Somnath Thengal, Mr. Sachin Londhe and Mr. Yogesh Patil, for the Respondent No.7/MSRDC.

CORAM : REVATI MOHITE DERE &

DR. NEELA GOKHALE, JJ.

DATE : 10th July 2025.

P.C.:-

1. The Petitioners seek quashing and setting aside of sale agreement dated 13th August 2024 and award dated 2nd September 2024 in respect of Gat No.18 situated in Village: Katvi, Taluka: Maval, District: Pune.

2. There is a dispute between the Petitioners and the Respondent Nos.4 to 6 pertaining to the title and ownership of the

said lands. The land was acquired for the purpose of construction of proposed Pune Eastern Ring Road.

3. By order dated 20th June 2025 while issuing notice and allowing amendment to be carried out by the Petitioners, to implead the Maharashtra State Road Development Corporation (MSRDC), which is in fact constructing the Pune Eastern Ring Road, we had directed that the Respondent concerned shall not take possession of 37.50 Are land and 11.4 Are land situated in Gat No.18, Katvi, Maval, District: Pune.

4. Admittedly, the compensation in respect of the acquired land was accepted by the Respondent Nos.3 to 6. The Petitioners are now claiming ownership to a portion of the land so acquired.

5. The MSRDC has filed an affidavit in reply dated 8th July 2025 through the authorized land acquisition officer (Pune Ring Road), Shri Sunil Sopan Navale affirmed before a Notary Public. Mr. Yogesh Patil, learned counsel appearing for the MSRDC as well as Mr. Ketan Joshi, Panel Advocate representing the State, at the very outset, raised an issue of the maintainability of the present Petition. According to them, the present Writ Petition raises disputed questions of facts,

which are not amenable to the writ jurisdiction under Article 226 of the Constitution of India. They thus, pray that the Petition be preemptorily dismissed.

6. Heard the counsels for the parties and perused the record with their assistance. A plain reading of the averments of the Petition clearly indicates that there is a dispute between the parties regarding the title to the said property. The Petitioner is in fact seeking cancellation of the sale deed dated 13th August 2024 executed by and between the parties. In order to adjudicate conflicting title claims, it is necessary to lead evidence and appreciate the same. The same is within the scope and ambit of the jurisdiction of the civil Court. The acquisition proceedings by MSRDC are in accordance with law, which is not the bone of contention between the contesting parties.

7. In view of the aforesaid discussion, we are of the view that the present Writ Petition is not maintainable under Article 226 of the Constitution of India as the dispute is purely a civil property dispute and the proper remedy is for the parties to approach the civil Court. We thus, pass the following order:

(i) The Petition is dismissed with liberty to the Petitioners to approach the civil Court of competent jurisdiction to adjudicate their claims.

(ii) The Respondent Nos. 4 to 6 are directed to deposit an amount of Rs.2 Crores as part of the amount that they have received as compensation in lieu of acquisition of the said lands, with the Nazar of the Pune District Court within a period of two weeks from today.

(iii) The Respondent Nos. 4 to 6 shall jointly execute an indemnity bond in respect of the balance amount of compensation received by them over and above Rs.2 Crores and shall hand over the said bond to the Petitioners.

(iv) The interim relief granted by order dated 20th June 2025 shall stand vacated forthwith.

8. Needless to state, that we have not gone into the merits of property dispute between the Petitioners and the Respondent Nos.4 to 6 and as such, all contentions of the parties are kept open.

9. All parties to act on an authenticated copy of this order.

(DR. NEELA GOKHALE, J.)

(REVATI MOHITE DERE, J.)