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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11937 OF 2025

Salim Naim Khan and anr. ...Petitioners
Versus
State of Maharashtra and ors. ...Respondents

Mr. Ram S. Apte, Senior Advocate a/w Mr.Datta Mane, Mr. Anand Mishra, Mr. Abhishek Gupta, for the Petitioners.

Mr. A.I. Patel, Add. GP a/w Mr. P.G. Sawant, AGP for State.

Mr. Rubin Vakil a/w Mr. Arun Mehta, Adv. Skanda Rane i/b Akshar Laws, for Respondent No.4.

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

DATE: 25 September 2025

P.C.

1. Not on board. Taken on board.
2. We have heard learned counsel for parties on this Petition, on an urgent application moved on behalf of the Petitioners. This Petition is filed under Article 226 of the Constitution of India praying for the following substantive reliefs.

“a) That this Hon'ble Court be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction directing the Respondent No.2 to decide the Application of the Petitioner filed on 23rd April, 2025 being Exhibit "D" to the petition for enhancement of compensation u/s 64 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 within a stipulated time on such terms and conditions as this Hon'ble Court may deem fit and proper.

b) That this Hon'ble Court be pleased to quash and set aside all three impugned notices dated 25th August, 2025 issued by the Respondent No.2 in respect of the survey no. 85 part, survey no. 84 and part

survey no. 93 issued by the Respondent No.3 on such terms as this Hon'ble Court may deem fit and proper.

c) That this Hon'ble Court be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction directing the Respondent No.2 to 4 to demarcate the land acquired by the Respondents under the acquisition out of the larger layout of the property before evicting the Petitioners on such terms as this Hon'ble Court may deem fit and proper.

d) That during the pendency and final disposal of present writ petition, this Hon'ble Court be pleased stay the effect, implementation and or operation of the all three impugned notices dated 25th August, 2025 issued by the Respondent No.3 in respect of the survey no. 85 part, survey no. 84 and part survey no. 93 on such terms as this Hon'ble Court may deem fit and proper.

e) Any other ad- interim reliefs in the term of prayer clause (a) to (c) above be granted.

f) Any other reliefs be granted as this Hon'ble Court deems fit, proper and adequate in favour of the Petitioners and in the interest of justice.”

3. At the outset, we may observe that the Petitioners had earlier approached this Court in Writ Petition No. 603 of 2025 which was disposed of by a coordinate Bench of this Court by order dated 17 March 2025 which reads thus :

“ 1. Heard Mr. Anand Mishra, learned counsel for the Petitioners. Mr. Mishra fairly states that the challenge to the acquisition in this case has failed right up to level of the Hon'ble Supreme Court.

2. Still, this petition seeks a restraint on the Respondents from taking over possession of the acquired property. Mr. Mishra states that the total area acquired is 2.5 acres out of which a structure occupies area of about 7,000 sq. ft. He states that the Petitioner seeks protection only in respect of the structure and not for the remaining area.

3. Since the entire land alongwith the structure has been acquired, there is no question of granting any protection as is prayed for. Once the challenge to the acquisition fails, the taking over all possession, cannot be resisted.

4. In so far as enhanced compensation is concerned, the Petitioners are at liberty to pursue the matter in accordance with law. If the Petitioners' land and structure are acquired as the Petitioners claim, then, the Petitioners would obviously be entitled to compensation in accordance with law.

5. Accordingly, we dismiss this petition without any order as to costs.

6. All concerned to act on the authenticated copy of this order.”

4. In the light of the aforesaid order, Mr. Apte, learned Senior Advocate appearing for the Petitioners has fairly and rightly so states that prayers made in the Petition are based on equity. So far as the acquisition is concerned, the same has attained finality. Respondent No.4 for whose benefit the acquisition has been undertaken has deposited the entire amount with the competent authority – Respondent No.3. It is stated that Special Land Acquisition Officer who is the competent authority has deposited the said amount with the Civil Court.

5. Be that as it may, the concern of the Petitioners is that some time be granted to the Petitioners to vacate the premises. Although a clear order is passed by the Division Bench on 17 March 2025 in the earlier Petition that the Petitioners cannot be granted any protection, however, in the facts and circumstances of the present case, reasonable time be granted is Mr. Apte's contention.

6. The second contention of Mr. Apte is that the Petitioners have made an application for the enhancement of compensation to the Collector, Palghar on 23rd April 2025 copy of which is annexed at page number 28 of the petition. His contention is that the Collector needs to make a Reference to the Authority under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short “the 2013 Act”),. Learned counsel appearing on behalf of Respondent No. 4 submitted that a longer period ought not to be granted, more so when Respondent No.4 has deposited the entire amount and the acquisition has attained finality.

7. We have heard learned counsel for the parties. In our opinion, it is in the interest of justice if some time is granted to the Petitioners to vacate the premises

considering the peculiar facts of the case however on a condition that there shall not be any further extension in any circumstances. Further a Reference for enhancement of the compensation will now required to be made by the Collector who is the Authority as per the provisions of Section 64 of the 2013 Act.

8. In the light of the above discussion, we do not entertain this Petition, it stands disposed of in terms of the following order.

ORDER

(i) The Petitioners shall vacate the acquired premises without any further extension on any reason, on or before 30 November 2025.

(ii) The Petitioners are directed not to create any third party rights in any manner whatsoever in the premises in question and cause any hurdles in vacating the premises. An undertaking in this regard be placed on record within a period of 1 week from today. A copy of undertaking be furnished to the learned counsel for the Respondents. In the event, such undertaking is not furnished, it shall be presumed that the Petitioners are not interested in the extension and in that case, Authority shall proceed to take appropriate action to get the premises vacated in the manner as permissible under the law.

(iii) Insofar as the application of the Petitioners for enhancement of the compensation is concerned, it is the obligation of the Collector in law to make such Reference to the Authority as constituted under Section 51 of the 2013 Act. Let such appropriate action in this regard be taken within a period of 3 weeks from today. All contentions of the parties on such proceedings are expressly kept open.

9. The Petition is disposed of in the above terms. No costs.

10. At this stage, we are informed by Mr. Apte that Petitioner No.1 is present in the Court and that appropriate compliance of the aforesaid order shall be undertaken.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)