

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 436 OF 2025
IN
WRIT PETITION NO. 9645 OF 2024

Mr. Kashinath Vasudeo Bhoir & Ors.

..Petitioners

Vs.

Aishwarya Dixit & Ors.

...Respondents

Mr. Amogh Karandikar for Petitioners.

Ms. Tanu Bhatia, AGP for Respondent No.5.

Mr. R. S. Apte with Mr. N. R. Bubna for Respondent No.6/State.

Mr. R. V. Govilkar, Senior Advocate with Mr. D. P. Singh, Mr. Shaba Khan for Respondent No.3.

Mr. Atharva Dandekar with Mr. Tejas Gupta, Mr. Hitendra Parab for Respondent Nos.1, 2 and 4.

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.
DATE: 25 SEPTEMBER 2025.

P.C.

1. Additional affidavit and reply affidavit/rejoinder affidavit are taken on record.

2. This contempt petition is filed alleging breach of the order dated 17 October 2024 passed by this Court on the aforesaid writ petition, wherein the Court for the reasons as recorded in the said order, pending the hearing of the said petition, directed that except by a due process of law being followed, the land of the petitioners, be not acquired and the possession of the petitioners shall not be disturbed. The dispute in the present proceedings pertains to the land of the petitioners as set out in the prayer clauses, which according to the petitioners, are

now sought to be utilized by the Western Railway and more particularly the department of Deputy Chief Project Manager Civil-I for the proposed Borivali-Virar Corridor for setting up 5th and 6th additional railway lines. The lands of the petitioners are stated to be salt pan lands. Considering the challenge as raised in the petition, a detailed order dated 17 October 2024 was passed by a co-ordinate Bench of this Court of which one of us (G.S. Kulkarni, J.) was a member.

3. The case of the petitioners in the contempt petition is that the lands of the petitioners in Survey No.100 and Survey No.122 are in fact utilized without following due procedure in law i.e. by acquiring the said land for the purpose of the on going work of 5th and 6th railway lines on the Borivali-Virar corridor.

4. The case of the railways is that the petitioners are not correct in their contention that the present work is in fact being undertaken on the petitioners' land Survey No.100 and 122 and as covered by the interim order dated 17 October 2024 passed by this Court in the proceedings of the writ petition.

5. It is on such backdrop, the contempt petition was listed before the co-ordinate Bench of this Court on 11 July 2025 when the coordinate Bench observed that neither respondent Nos. 1, 2 and 4, who are carrying out the construction work, nor the learned counsel appearing for the respondent No.3-UOI, nor the learned counsel for the Salt Department, were able to show their ownership on the land on which the construction work was being carried out. In these circumstances, when already an interim order was passed by this Court in the writ petition on 17 October 2024 directing due process of law to be followed for

the petitioners' land to be acquired, the Court in such circumstances, ordered that since the ownership and possession of the land in question remained unclear, no further construction shall be carried out till the adjourned date of hearing and accordingly, adjourned the proceedings to 25 July 2025. It is on the backdrop of such orders, the proceedings are listed before the Court today.

6. We have heard learned counsel for the parties. As observed by the co-ordinate Bench of this Court in the order dated 11 July 2025, there is certainly an impasse as to whether presently the work is being undertaken by the railway on the land Survey No. 100 and Survey No.122 on which the petitioners are claiming their right, title and interest. Such impasse, in our opinion, can be resolved only after the Deputy Inspector of Land Record undertakes an inspection by visiting the site and after appropriate exercise of demarcation is undertaken, a report to that effect can be placed on record of this Court, as to whether the work in progress is on the petitioners' land Survey No.100 and Survey No. 120 or whether it is outside the petitioners' land.

7. In this view of the matter, we direct the District Inspector of Land Record ("DILR") to undertake an immediate exercise of demarcation of the lands, so as to ascertain the correct position in this regard. The railways shall deposit the appropriate charges for demarcation of such lands with the DILR, as may be determined by the DILR. Mr. Dandekar, learned counsel for Respondent Nos.1, 2 and 4 would fairly state that as and when a demand is raised, it shall be deposited by the railways with the DILR.

8. In this view of the matter, we adjourn the proceedings of this contempt petition to **09 October 2025 (First on Board)**, however, by issuing the following directions:-

- i. The District Inspector of Land Record (“DILR”) is directed to visit the site in question where the railway work is being carried out as on date namely Survey No.100 at Village Umele and Survey No.122 at Village Panju, Tal. Vasai, on 03 October 2025 at 11.00 a.m. when the representatives of all the parties shall remain present at the site in question, so that appropriate work of demarcation can be undertaken on the same day or the subsequent dates. A report to that effect be placed on record.
- ii. The parties are permitted to submit all the documents to the DILR including maps etc. A report of the DILR be placed on record of this Court two days prior to the adjourned date. Also copies of the same be issued to all the parties.

9. We may observe that in the event the petitioners are correct in their contention that the work in progress is in fact being undertaken on the petitioners’ land Survey No.100 and Survey No.122, the actual area of the land being utilized be also demarcated, so that ultimately the said land would be required to be considered to be acquired by the railways by following due procedure of law, as already observed by this Court in the order dated 17 October 2024.

10. In the event it is not the petitioners’ land, then there would be no question of any compensation to be paid to the petitioners. All such issues are expressly kept open.

11. In this view of the matter, we are of the opinion that the order dated 11 July 2025 whereby it was directed that no further construction shall be carried out till the next date on the land bearing Survey No.100 and Survey No. 122 ought not to be continued. It is accordingly vacated.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)