

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO. 162 OF 2025

WITH

INTERIM APPLICATION NO.12167 OF 2025

WITH

INTERIM APPLICATION NO.12168 OF 2025

Mr. Vasant Kumar Chaganlal Mehta & Anr.Petitioners

Vs.

The State of Maharashtra & Ors.Respondents

Mr. Rameshwar Totala, with Mr. Mitesh Jain, Mr. Chaitanya Mendon,
i/b Mr. Mitesh Jain, for the Petitioners.

Mr. Ketan Joshi B-Panel counsel along with Mrs. M.S.Bane, AGP for
State.

Mr. Sanjiv Sawant, with Mr. Heramb Kadam, for Respondent Nos.4
to 6 in RPW.

Mr. Yogesh Patil, for Respondent No.7-MSRDC.

CORAM : REVATI MOHITE DERE &

DR. NEELA GOKHALE, JJ.

DATE : 7th OCTOBER 2025.

P.C.:-

1. By way of this Review Petition, the Petitioners seek review of the
order dated 10th July 2025.

2. Heard Mr. Rameshwar Totala for the Petitioners, Mr. Ketan

Joshi for the Respondent Nos.1 to 3, Mr. Sanjiv Sawant for the Respondent Nos. 4 to 6 and Mr. Yogesh Patil for Respondent No.7.

3. Mr. Totala essentially has a grievance with clause (i) of paragraph 7 of the said order under review whereby the Petitioners were given liberty to approach the Civil Court of competent jurisdiction to adjudicate their claims. According to him, Section 19C(4) of the Maharashtra Highways Act of 1955, provides for reference of a dispute pertaining to apportionment of the amount to any person to whom the same is payable, by the Land Acquisition Officer. Hence, Mr. Totala submits that the said provision envisages a proceeding to be filed by the Land Acquisition Officer before a Civil Court and does not contemplate the private party, claiming ownership of the property, to approach the Civil Court by way of filing a suit or proceeding. He submits that in these circumstances, the Petitioners are non-suited from initiating any proceeding before the Civil Court, despite this Court granting such liberty to them. Hence, the Petitioners seek review of the order to the extent that this Court direct the State Government to institute a suit in the Civil Court instead of granting liberty to do so to the Petitioners.

4. Mr. Joshi and Mr. Patil object to this submission. According to them, the order under review requires no intervention. Mr. Joshi has drawn our attention to the prayer of the Petitioners in the Writ Petition. The Petitioners had prayed for setting aside of an agreement for sale dated 13th August 2024 executed by and between the Respondent Nos.4 to 6 on one hand and the Respondent Nos.2 and 3 on the other, as well as an award dated 2nd September 2024. It was the case of the Respondent Nos.1 to 3 that the agreement was a consent agreement on the basis of which the said award was passed. Per contra, the Petitioners' submission was that they were entitled to the compensation for acquisition of the land since they were the real owners of the same. The Petitioners claimed title to the said land and required this Court under its Article 226 jurisdiction to determine the same.

5. It was in these circumstances and in view of the prayer made by the Petitioners in the Writ Petition to cancel the sale deed dated 13th August 2024 that we held that it was within the scope and ambit of the Civil Court to adjudicate conflicting title claims. Hence, while dismissing the Petition, we granted liberty to the Petitioners to

approach the Civil Court to adjudicate their title claims. In order to secure their interests, in the event that the Petitioners succeeded in the proceeding seeking a declaration of their title to the property, we further directed the Respondent Nos.4 to 6 to bring back Rs.2 Crores out of the total Rs.4 Crores that they received as compensation for the land acquired and deposit the same with Nazir of the Pune District Court within a period of 2 weeks from the date of the order. Additionally, we directed the Respondent Nos.4 to 6 to jointly execute an indemnity bond of the balance of Rs.2 Crores and hand it over to the Petitioners.

6. We have perused the averments in the Review Petition as well as the original Writ Petition. Since the Petitioners are claiming title to their property which requires them to seek cancellation of the sale deed dated 13th August 2024 executed by and between the Respondents *inter se*, it is only the Civil Court which is competent to adjudicate the same. We have also gone through the decisions of the Supreme Court tendered by the Petitioners in the case of ***M. M. Thomas v. State of Kerala & Anr***¹ and ***Sureshkumar Kanhaiyalal Jethlia v. State of Maharashtra & Ors.***² The same are not applicable to

1 (2000) 1 SCC 666

2 2001 SCC OnLine Bom. 452

the facts in the present matter.

7. In view of the aforesaid, the prayers in the Review Petition do not indicate any error apparent on the face of the record of the order, warranting re-consideration of the impugned order. The Review Petition is, accordingly dismissed. Pending applications if any are disposed of.

(DR. NEELA GOKHALE, J.)

(REVATI MOHITE DERE, J.)

SHAMBHAVI
NILESH
SHIVGAN
Digitally
signed by
SHAMBHAVI
NILESH
SHIVGAN
Date:
2025.10.09
12:32:15
+0530