

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 307 OF 2025
WITH
INTERIM APPLICATION NO. 8391 OF 2025
IN
APPEAL FROM ORDER NO. 307 OF 2025

Garden Securities & Properties LLP Through Its ...Appellant
Designated Partner Kiran Shah

Versus

Municipal Corporation For Greater Mumbai ...Respondent
Through R/Central Ward

Mr. Roma Yashwant Chudasama, a/w Rubin Vakil (through VC)
for the Appellant.

Mr. Santosh M. for Respondent-BMC.

CORAM : SOMASEKHAR SUNDARESAN, J.
DATE : MAY 28, 2025
(VACATION COURT)

PC :

1. One of the prayers in the Interim Application is a moulded relief with a concession, namely, that if a smaller portion the Appellant's plot of land would suffice for purpose of the proposed DP Road, the Court may direct that only such portion be acquired with compensation

being paid for the same in accordance with the Right to Fair Compensation and Transparency in Land Acquisition Act, 2013.

2. Today, after the matter was called out in the morning, it was stood over to enable Learned Counsel for MCGM to take instructions and apprise the Court as to whether the demarcation that had been scheduled for May 17, 2025 had been carried out. On taking instructions, Learned Counsel for the Respondent-MCGM submits that the demarcation exercise has not yet been carried out.

3. In these circumstances, to consider prayer clause (c), it would be appropriate to first carry out the demarcation and ascertain the implications. Let such exercise be conducted before the Court reopens and let the matter be placed for consideration by the Regular Bench on re-opening, on June 10, 2025. On that date, the parties may make appropriate submissions on moulding the reliefs as suggested and indicated in prayer clause (c) of the Interim Application.

4. Stand over to ***June 12, 2025*** before the Regular Bench. Since the extent of acquisition, the primary objective for which the notice was issued under Section 229 is yet to be crystallized, it is expected that as a first step, the demarcation shall be completed, and the relevant facts

shall be placed before the Regular Bench for consideration on what further steps may be permitted.

5. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]