

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11960 OF 2023

Vilas Narayan Mestry ...Petitioner
Versus
The Union of India & Ors. ...Respondents

with

INTERIM APPLICATION (ST) NO.23807 OF 2025

AND

WRIT PETITION NO.11962 OF 2023

Sachin Tukaram Bhairavkar ...Petitioner
Versus
The Union of India & Ors. ...Respondents

with

INTERIM APPLICATION (ST) NO.23810 OF 2025

AND

WRIT PETITION NO.5511 OF 2024

Jyoti Sharad Gaikwad ...Petitioner
Versus
The Union of India & Ors. ...Respondents

with

INTERIM APPLICATION (ST) NO.23132 OF 2025

AND

WRIT PETITION NO.15626 OF 2024

Mrs. Vasanti Vilas Satam ...Petitioner
Versus
The Union of India & Ors. ...Respondents

with

INTERIM APPLICATION (ST) NO.23271 OF 2025

AND

WRIT PETITION NO.7247 OF 2024

Mrs. Jayshree Sunil Mhatre ...Petitioner
Versus
The Union of India & Ors. ...Respondents

with

INTERIM APPLICATION (ST) NO.23125 of 2025

Ms. Divya Parab with V. A. Gangal, Senior Advocate, for Petitioners.

Ms. M. P. Thakur, AGP for the State.

Ms. Pradnya Bansode, for Respondent No.2 & for Applicants in I.A.

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

DATE: 14 October 2025

P.C.

1. Not on board taken on board on a praecipe as moved on behalf of the petitioners.

2. Learned Counsel for the petitioners has drawn the Court's attention to the order dated 17 September 2025 passed on a batch of petitions being Writ Petition No.14789 of 2023 (Nisha Chanika Prasad Patel Vs. The Union of India & Ors) & other connected petitions, to contend that the present petitions can also be disposed of in terms of the said order. For convenience we note the said order dated 17 September 2025 passed in Writ Petition No.14789 of 2023 & connected matters, which reads thus:

1. This batch of petitions raises common issues of facts and law. The prayers as made in the petitions are also common. Illustratively, we are noting the prayers in the first petition being Writ Petition No. 12197 of 2023 (*Mr. Ganesh Bhikaji Chavan vs. Union Of India & Ors.*) which read thus:

“a) This Hon'ble Court is pleased to call for record and proceeding from respondent No.2 and 3 and after verifying the legality and propriety their be pleased to issue writ of Certiorari and any other appropriate writ or order or direction and quash and set aside the impugned notice No. K.D./Te-2/Bhusampadan/DFCCIL/Ka.V.1110/23
Dated:21/08/2023 Exhibit B herein.

b) Issue writ of Mandamus and/or any other appropriate writ, order or directions and direct respondent No.2 & 3 not to take possession of petitioners room unless and until determining and paying the compensation for structure of the petitioner standing on the part of the land being survey No.23 Village Bhopar, Taluka Kalyan, District Thane.”

2. The petitioners in the present proceedings are claiming directions in respect of their rooms/tenements which were constructed between 2012 to 2019 on the land bearing Survey No.23, Village Bhopar, Tal. Kalyan, District Thane. In respect of the land in question, a land acquisition award was passed in the year 2013 for the purpose of acquisition by respondent No.2 – Dedicated Freight Corridor Corporation established by Union of India, which is not in dispute. It appears that there is dispute in regard to the legality of the construction which was undertaken on the said survey number and in respect of which a notice dated 21 August 2023 i.e. the impugned notice came to be issued by the Sub Divisional Officer, Kalyan, calling upon the petitioners to hand over possession of their tenements as they were on the land which was acquired and subject matter of award dated 19 March 2013. The petitioners accordingly approached this Court in the present proceedings seeking protective reliefs as noted by us hereinabove.

3. The petitions have since then remained pending. Interim Applications are placed on record by some of the petitioners, the prayers in which are similar. We may refer to Interim Application (st) No.34153 of 2024 in Writ Petition No.11967 of 2023 (*Mrs. Monika Mohan Gavankar Vs. The Union of India & Ors.*) wherein a specific statement has been made that the present proceedings were listed before appropriate Bench on 3 October 2023 at Sr.Nos.47 and 48, however, the matters did not reach till the rising of the Court and hence, no ad-interim protection was granted. It is stated that on 4 October 2023 in the morning, the respondent's officials came with the police machinery and have demolished the structures in question which were the chawls despite persistent opposition from the petitioners. In this view of the matter, it clearly appears that the prayers as made in the petitions challenging the notices directing the petitioners to vacate the premises, has become infructuous.

4. Mr. Gangal, learned Senior Counsel for the petitioners, however, submits that the petitioners have an entitlement to claim compensation in respect of their structures which were demolished. As these are not the prayers in the petitions, we accept Mr. Gangal's request that the petitioners be permitted to make appropriate applications in the event the petitioners are entitled to receive compensation. The applications be listed before the Designated Officer. Mr. Gangal states that such applications would be made within a period of six weeks from today. If such applications are made, the same be decided by the Designated Officer in accordance with law. All contentions of the parties in that regard are expressly kept open.

5. We accordingly disposed of these petitions in terms of the aforesaid orders. No costs.

Order on Interim Applications

6. These interim applications are filed by the petitioners whereby prayers are made to amend the petition and place on record their claims for compensation. As we have already permitted the petitioners to take recourse under the procedure in law to claim compensation, such Interim Applications would not survive. All such contentions of the petitioners in the Interim Applications are expressly kept open. All the Interim Applications are accordingly disposed of. No costs."

3. Accordingly, the present petitions also stand disposed of in terms of the aforesaid order. No costs.

4. Interim Application (St) No. 23807 of 2025, Interim Application (St) No.23810 OF 2025, Interim Application (St) No.23132 OF 2025, Interim Application (St) No.23271 OF 2025 and Interim Application (St) No.23125 of 2025 as filed in the respective petitions would not survive, and stand disposed of.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)