

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2874 OF 2024**

Shetty Auto Enterprises

...Petitioner

Versus

Mumbai Metropolitan Region
Development Authority & Ors.

...Respondents

Mr. Kaustubh Thipsay for the Petitioner.

Ms. Anjali Helekar a/w Anu Kaladharan for Respondent Nos.1 to 3.

Mr. Himanshu Takke, AGP for Respondent Nos.4 to 7.

Ms. Jyoti Mhatre a/w Anuja Tirmali and Khandagale for Respondent No.8.

**CORAM : M.S. Sonak &
Advait M. Sethna, JJ.**

DATED : 14 November 2025

P.C.:-

1. Heard learned counsel for the parties.
2. The Petitioner, instituting of this Petition has sought for several reliefs. However at this stage, the Petitioner, presses for relief in terms of prayer clause (C) which reads as follows:-

“C (i) This Hon'ble Court be pleased to issue a writ of mandamus or direction in the nature of mandamus thereby directing Respondent No.1 and Respondent No.7 to disclose, on oath, the prevailing policy applicable to the case of the Petitioner for the purpose of rehabilitation/ compensation in lieu of the acquired portion shop bearing No. KW004466 admeasuring 600 sq. ft on the ground floor of the structure known as Albina Cottage

situated at Plot No. 98, Jai Prakash Road, Andheri (West), Mumbai-400069;

(ii) This Hon'ble Court be pleased to issue a writ of mandamus or direction in the nature of mandamus thereby directing Respondent No.1 and 7 to provide rehabilitation/compensation to the Petitioner in accordance with such policy in lieu of the acquired portion shop bearing No. KW004466 admeasuring 600 sq.ft on the ground floor Plot No. 98, Jai Prakash Road, Andheri (West), Mumbai-400069”

3. By our order of 10 October 2025, after perusing the earlier affidavits filed on behalf of Respondent Nos.1 to 3, we had directed the Respondents to file further affidavit. Such further affidavit has been filed on 10 October 2025 itself because the same was ready.

4. We refer to paragraph 4 of the additional affidavit and transcribe the same for the convenience of reference:-

*“4. I further say that it was under the consideration of the State Government to decide the policy and procedure for deciding the compensation for acquisition of land under the Mumbai Metropolitan Region Development Authority Act, 1974 and therefore issued a Government Resolution dated 16.03.2022 in respect of pending and future proposals, a copy of which Government Resolution is annexed hereto and marked as **Exh.-2**. I say that said policy and procedure takes into consideration the provisions of S.26 to 30 under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. I say that a committee to amend the provisions relating to acquisition of land under the Mumbai Metropolitan Region Development Authority Act, 1974 was constituted by Government Resolution dated 16.03.2022, a copy of which Government Resolution is annexed hereto and marked as **Exh.- 3**.*

5. Learned counsel for the Petitioner now states that the

Petitioner is satisfied with the statement made in paragraph 4 above, but submits that same directions need to be issued to Respondent Nos.1 to 3 and consider and dispose of the Petitioner's prayer for rehabilitation in accordance with the policy disclosed in paragraph 4 above.

6. Accordingly, we allow the Petitioner to represent to Respondent Nos.1 to 3 within 4 weeks from today on the issue of compensation. If such application is made, the concerned authorities from out of Respondent Nos.1 to 3 or the concerned competent authorities must dispose of Petitioner's representation in accordance with law and on its own merits having regard to the statement made in paragraph 4 of the additional affidavit which we have quoted above. The statement is containing in the affidavit of 9 October 2025 though at one stage we have stated that such affidavit was filed on 10 October 2025. The affidavit is at pages 95 to 97 of the paper book of this Petition. The appellate authority must take a decision on the Petitioner's representation within 3 months of its receipt. The Petitioner must be heard and a reasoned decision must be communicated to the Petitioner within a period of 3 months. If any other parties are required to be heard on the issue of compensation, the appellate authority must hear such parties as well.

7. The Petition is disposed of with the above directions and without any order for costs.

(Advait M. Sethna, J)

(M. S. Sonak, J.)