

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

22 PUBLIC INTEREST LITIGATION NO. 86 OF 2025

SUJITKUMAR RAJARAM KATE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. N.Y. Chavan, Advocate for petitioner

Mr. S.B. Kalal, AGP for respondent Nos.1 to 4

...

CORAM : SMT. VIBHA KANKANWADI &
NANDESH S. DESHPANDE, JJ.

DATE : 10th JUNE, 2026

ORDER :

. Present petition has been filed for following reliefs :

“(b) This Hon’ble Court be pleased to issue the Writ of Mandamus or Certiorari or any other appropriate Writ/Direction/Order in the nature of Writ of Mandamus or Certiorari under Article 226 of the Constitution of India, 1950,

(i) To direct respondent Nos.1 to 3 to made an enquiry about the illegal activities conducted by respondent No.7 collusion with respondent Nos.4 and 5 in respect of the suit properties acquired and owned by respondent No.5 – Sangli,

Miraj and Kupwad City Corporation by executing illegal registered sale deed dated 22.11.2013 by respondent No.7 in favour of respondent No.5;

(ii) To direct respondent Nos.1 to 3 to take appropriate action against respondent Nos.4 to 7 and the persons who are liable for illegality, misappropriation and fraud committed to respondent No.5 – Corporation in the monetary terms in respect of the suit properties;

(iii) To direct respondent authorities to appoint a Special Investigation Team for conducting a proper enquiry about the illegality, misappropriation and fraud committed by respondent No.7 with collusion of respondent Nos.4 to 6 in respect of suit properties and the alleged sale deed.”

2 Heard learned Advocate Mr. N.Y. Chavan for petitioner and learned AGP Mr. S.B. Kalal for respondent Nos.1 to 4. No necessity to issue notice to other respondents.

3 The petitioner contends himself to be a Social Worker and submits that the immovable property lands bearing Sy.Nos.180/1, 180/2, 202/1 and 202/2 situated at Sangli was belonging to respondent No.7. Initially, the suit property was reserved under the Amended Development Scheme of Sangli city, which came to be sanctioned on 01.06.1977 by the State. Those properties were then put under the reservation site No.163 for New Water Works and were given in possession of Maharashtra Jeevan

Pradhikaran. However, thereafter the State had changed the policy by approval on 27.05.1983 and handed over the possession to the Municipal Corporation, then Municipal Council, in 1976. He stated that the Council had constructed and continued the water purifier scheme for the purpose of Sangli city. An Award came to be passed by the Land Acquisition Officer when the lands were acquired. It is then stated that revised development plan was duly sanctioned. Power of Attorney of one of the holders had given no objection by letter dated 07.08.1982 for taking possession. After the establishment of the Municipal Corporation, the properties came to be vested with the Corporation, however, it is then stated that in the meantime under the Urban Land Ceiling Act the properties were shown as excessive than the ceiling limit. Respondent No.4 – Collector then passed an order dated 13.02.1987 withdrawing the acquisition proceedings in respect of suit properties. It is stated that respondent No.7 in collusion with respondent Nos.4 and 5 and taking disadvantage of the Urban Land Ceiling Repeal Act continued his name in the Record of Rights and then issued notice dated 08.02.2013 to Assistant Director of Town Planning, wherein it was specifically mentioned that the Town Planning Department had the authority to acquire the land and to take possession as well as to pay compensation. The purpose for which the lands were acquired was the public purpose. Though the actual possession was of the Corporation and the earlier

acquisition proceedings were initiated under the provisions of Land Acquisition Act; yet the Corporation entered into the sale deed. In the meantime, the Government had established a 70 MLD Water Purifier Centre with the estimated price of Rs.35 Crores. But the said scheme was obstructed by respondent No.7 and insisted for the payment of compensation, as a result of which, the sale deed came to be executed on 22.11.2013 for a consideration of Rs.6,70,93,200/-. According to petitioner, it is an illegal sale deed. Further, additional compensation by way of 30% was given by the Corporation amounting to Rs.2,66,73,200/- and it was paid to respondent No.7. The petitioner had then raised grievance with the Hon'ble Chief Minister and other authorities by letter dated 03.03.2025, however, no cognizance has been taken. Hence, the present petition.

4 Learned Advocate for petitioner has taken us through the documents in the nature of 7/12 extracts of the lands. The communication dated 30.07.1983, wherein it has been specifically mentioned that Award under Section 11 of the Land Acquisition Act was declared on 30.01.1981 and the Kabjepatti has also been executed. It is with the annexure. Then the letter by the Power of Attorney of one of the co-owners has also been produced. Another document has been filed i.e. communication dated 21.06.1982 executed by the Executive Engineer to the Special Land

Acquisition Officer stating that the case of finalization of land acquisition may take time and when the party is taking time for rental compensation, the amount of land be released at the earliest. A final order appears to have been passed by Collector, Sangli on 13.02.1987, thereby then dropping the land acquisition proceedings there was notice issued by respondent No.7 through Advocate on 08.02.2013. The internal communications between the Municipal Corporation, wherein it has been specifically stated that the construction has been done and, therefore, acquisition should be made by negotiations. Copy of the order dated 15.04.2010 under Section 44 of the Maharashtra Land Revenue Code has also been produced and copy of the resolution that was passed and the letter having reference in the communication of the Commissioner, Municipal Corporation as well as the photo copy of the sale deed has been produced and the 7/12 extracts executed thereafter.

5 It is then submitted on behalf of petitioner that when the land was already acquired, it could not have been dropped. There was already the construction made and public money has been unnecessarily spent by showing that it is a sale transaction and, therefore, action needs to be taken against the erring officers as well as respondent No.7.

6 Here, it is to be noted that the acquisition and the orders

appeared to be of the year 1980, 1981 and 1982 and then by order dated 13.02.1987 the lands belonging to respondent No.7 were dropped from the entire process of acquisition. The consequence of same would be that it vested again with the owner and thereafter the sale deed has also been executed in 2013. Present petition has been filed on 11.01.2025 after a period of about 12 years. There is absolutely no averment regarding the delay. Rather the petitioner states that there is no delay in filing the petition. When everything had happened in 1987 as well as in 2013 the present petition suffers from delay and laches. When it was specifically asked as to why petitioner had not come to the Court at any earlier point of time, learned Advocate for petitioner submits that he has approached this Court immediately after the knowledge in respect of transaction. Petitioner states that he is the resident of Sangli and when it is coming on record through the documents that the Municipal Corporation had passed resolutions, then it cannot be stated that the petitioner was not aware about the transaction. We do not find any public interest involved in the matter, taking into consideration the fact that there is huge delay of 12 years. Hence, the writ petition stands **dismissed**.

(NANDESH S. DESHPANDE, J.)

(SMT. VIBHA KANKANWADI, J.)