

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1138 OF 2026**

Sitaram Laxminarayan Rathi (Since Decd) Through LHRs	..Petitioners
Versus	
Govinddas Samaldas Gandhi and Ors	...Respondents

Mr. Omkar Kulkarni, for the Petitioners.
Smt. M.S. Srivastava, AGP, for the Respondent-State.

CORAM: N. J. JAMADAR, J.
DATE : 3rd FEBRUARY 2026

P.C.:

1. Heard the learned Counsel for the Petitioners.
2. The Petitioners-decree holders seeks compensation for the purported acquisition of the suit land, for the possession of which decree has been passed, in lieu of possession as a Slum Rehabilitation Scheme is implemented on the suit land. A prayer for advance compensation of Rs.50,00,00,000/- has been rejected by the impugned order.
3. It does not seem that any award has been passed to acquire the suit land. In fact, there is no clarity, as to under which provisions the suit land has been allegedly acquired. If there are slums and a Slum

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Rehabilitation Scheme has been implemented at the suit land, the rights of the Petitioners would be governed by the provisions contained in The Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971. For instance, Section 17 of Slum Act, 1971, provides the basis for determination of compensation.

4. The executing Court has rightly declined to entertain the prayers to order grant of compensation to the tune of Rs.158,45,16,389/- and release the advance compensation of Rs.50,00,00,000/-.

5. Thus, keeping open the right to avail the remedies, that may be available in law, the Petition stands dismissed.

[N. J. JAMADAR, J.]