

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2318 OF 2025**

Milind Anant Somane and others ... Petitioners
vs.
The State of Maharashtra, Through Secretary,
Public Works Department and others ... Respondents

Mr. Vishal G. Salvi a/w. Ms. Suchitra Kamble for petitioners.

Mr. O. A. Chandurkar, Addl. GP a/w. Ms. M. S. Bane, AGP for respondents-
State authorities.

Mr. Milind Anant Somane, petitioner No.1 in person.

**CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ**

DATE : 18th MARCH, 2026

P.C. :

. In this petition, on 27.02.2026, we had given last opportunity to the respondents to file their reply affidavits, in the light of the specific contentions raised on behalf of the petitioners. But, the same have not been filed yet. We have taken up the petition for final disposal today, in terms of paragraph No.5 of the aforesaid order.

2. The learned counsel for the petitioners has invited attention of this Court to the documents filed along with the writ petition.

3. At Exhibit C is a communication dated 27.02.2006 addressed by the Sub-divisional Engineer of the Public Works Department (PWD) of the respondent – State, to the predecessors of the petitioners, categorically stating that the payment of compensation for the land utilized for construction of road, shall be disbursed within a period of one year. There is no dispute about the fact that

the respondents – State authorities took possession of the land of the petitioners in Survey Nos.85/4/A and 85/4/B at Ukrul, Post Chinchavali, Taluka Karjat, District Raigad.

4. The document at Exhibit D shows that on 26.02.2007, the Deputy Executive Engineer of PWD addressed a letter to the Collector, stating that since the land owners are claiming compensation, it is necessary to undertake steps for acquisition of land at the earliest.

5. Despite the petitioners pursuing the matter with the respondents, no steps have been taken till date. Assertions made by the petitioners based on the documents filed along with the writ petition, have gone uncontroverted. Therefore, we are convinced that the writ petition deserves to be allowed.

6. Despite the possession of the land of the petitioners having been taken as far back as in the year 2006 for construction of road, compensation has not been paid till date. This is clear violation of Article 300A of the Constitution of India, concerning constitutional right of property, which has been recognized as human right by the Supreme Court in its various judgments.

7. In view of the above, the writ petition is allowed and disposed of in following terms:

(a) The respondents – State authorities are directed to forthwith initiate the process of acquisition of land utilized for construction of road, as per the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013;

- (b) The process upon being initiated forthwith, shall be completed and the award shall be rendered within a period of nine months from today;
- (c) The petitioners are at liberty to move an appropriate representation before the respondents – State authorities for payment of rental compensation in accordance with law, for the period between the possession of land having been taken till payment of compensation in terms of the proposed acquisition. Upon such representation being made within the said period of time, the concerned State authority shall taken decision thereon within six weeks.

8. Pending applications, if any, also stand disposed of.

(SHREERAM V. SHIRSAT, J)

(MANISH PITALE, J.)

Priya Kambli