

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION/

WRIT PETITION NO.13080 OF 2025

Harihar Bapusaheb Thakur and others

Petitioners

versus

The Collector Pune and others

Respondents

Mr.Surel Shah, Senior Advocate, with Mr.Sachin Thorat for Petitioners.

Ms.P.J.Gavhane, AGP for State.

Ms.Shakuntala Wadekar with Mr.Yogesh G.Thorat for Respondent nos.5 and 6.

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

DATE: 7th October 2025

P.C.

1. We have heard Mr.Surel Shah, learned Senior Advocate for the Petitioners, Ms. Shakuntala Wadekar for Respondent nos.5 and 6 and Ms.Gavhane, learned AGP for State.

2. The substantive prayers made in this petition read thus :

“A. This Hon’ble Court be pleased to issue Writ of Certiorari or any other appropriate writ, order or directions thereby calling for records and proceedings from the office of Respondent no.1 to 4 in respect of impugned Notification No.PLA/Kavi/709/2025 dated 22-28.05.2025 and the Notice dated 05.08.2025 Ref. No.LA.17/No.Chovisawadi/28-B Vahantal/Kalam 21(1)(2)(3)/548 and be pleased to examine the legality and validity of the same, and further be pleased to quash and set aside the concerned Notification and the Notice as stated above.

B. This Hon’ble Court be pleased to issue Writ of Certiorari or any other appropriate writ, order or directions thereby calling for records and proceedings from the office of Respondent No.1 to 4 in respect of impugned letter No.ANP/ BANDH/2092/2019 dt.12.12.2019 and be pleased to examine the legality and validity of the same, and further

be pleased to quash and set aside the concerned letter/notification as being unilateral and therefore bad in law.

C. In alternative, this Hon'ble Court be pleased to issue Writ in the nature of Mandamus or any other appropriate writ, order or direction by directing the Respondent Authorities to acknowledge, hear and dispose off with appropriate reasons the objections as taken by the Petitioner with regard to the acquisition notification dt.22-28.05.2025, furthermore this hearing may be held by following all the basic principles of natural justice."

3. We are fairly informed at the bar that a similar issue had arisen for consideration of this Court in **Maharashtra Academy of Engineering and Research Centre, Pune Vs. The Collector, Pune and others** (Writ Petition No.11394 of 2025) on which this Court on 29th September 2025 passed the following order :

"1. Not on board. Taken on board on a praecipe as moved on behalf of the Petitioners.

2. This petition under Article 226 of the Constitution is filed praying for the following substantive reliefs:-

A. This Hon'ble Court be pleased to issue Writ of Certiorari or any other appropriate writ, order or directions thereby calling for records and proceedings from the office of Respondent No.1 to 4 in respect of impugned Notification No.PLA/Kavi/709/2025 dated 22-28.05.2025 and the Notice Dated 05.08.2025 Ref. No./la.17/ No. Chovisawadi/ 28-B Vahantal/ Kalam 21(1)(2)(3)/548 and be pleased to examine the legality and validity of the same, and further be pleased to quash and set aside the concerned Notification and the Notice as stated above.

B. This Hon'ble Court be please to issue Writ of Certiorari or any other appropriate writ, order or directions thereby calling for records and proceedings from the office of Respondent No.1 to 4 in respect of impugned letter No.ANP/Bandh/2092/2019 dt. 12.12.2019 and be pleased to examine the legality and validity of the same and further be pleased to quash and set aside the concerned letter/notification as being unilateral and therefore bad in law.

C. In alternative, this Hon'ble Court be pleased to issue Writ in the nature of Mandamus or any other appropriate writ, order or direction by directing the Respondent Authorities to acknowledge, hear and dispose off with appropriate reasons the objections as taken by the Petitioner with regard to the acquisition notification dt. 22.-

28.05.2025, furthermore this hearing may be held by following all the basic principles of natural justice.

D. This Hon'ble Court be pleased to issue Writ in the nature of Mandamus or any other appropriate writ, order or direction by directing the concerned authorities to initiate a departmental enquiry against Respondent No.5 Officer, on the ground of corruption and misappropriating without following due procedure of law."

3. Although a challenge is raised to the Notification dated 22-28 May 2025 issued by the State Government under the provisions of Section 126(4) of the Maharashtra Regional and Town Planning Act, 1966, in regard to the acquisition of the land for the purpose of parking and Darshanbari, there is also a challenge to the notice issued under Section 21(1),(2),(3) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. (Exhibit J to the petition- page 196), under such notice the petitioner is entitled to file an objection which is to be heard on the scheduled date of hearing i.e. on 7 October 2025 when the petitioner can be represented by its advocate. The petitioner so far has not raised any objection to the notice. In this view of the matter, without such objection being raised by the petitioner to the notice and any objection of the petitioner being considered and decided by the competent authority, in our opinion, the petition itself is premature. Let such objections be raised in writing which be considered by the competent officer issuing such notice, and in the event, there is any prejudice in any order which would be passed by the competent authority, the petitioner would certainly have a legal remedy, to approach the appropriate forum as may be permissible in law.

4. In this view of the matter, we are not inclined to entertain this petition at this stage. Keeping open all contentions of the parties, this Writ Petition is disposed of.

5. Needless to observe that in the event any action is to be taken qua the petitioner's land, an advance notice of one week be issued to the petitioner.

6. Disposed of in the aforesaid terms. No costs."

4. Learned counsel for the Petitioner would submit that in the present case the Petitioners' land has not been reserved and in this view of the matter it may not be appropriate as also permissible in law for the Respondents to include Petitioners'

land in regard to the public purposes intended to be achieved in acquiring the land. If this be so, in our opinion we kept open such issue for consideration by the authority and appropriate view in that regard to be taken.

5. We accordingly dispose of this petition in terms of the order passed by us in terms of paragraph nos.3 and 5 of the orders passed by this Court in Maharashtra Academy of Engineering and Research Centre, Pune Vs. The Collector Pune and others (supra). All contentions of the parties are expressly kept open. Disposed of. No costs.

6. At this stage we are informed by Mr.Surel Shah, learned Senior Advocate for Petitioners that the objections of the Petitioner are required to be filed before 11.30 a.m. We extend the time to submit objections till 4.00 p.m.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)