

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

**WRIT PETITION NO. 2488 OF 2026**

Bharati Pralhad Sao ... Petitioner  
Versus  
The Collector (Land Acquisition Branch)  
& Ors. ... Respondents

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Ms. Prabha Badadare for the Petitioner.  
Mr. B. V. Samant, Addl. G. P. a/w Mrs. M. S. Bane, AGP for  
Respondents-State.

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

**DATE : 8<sup>th</sup> JUNE 2026**

**P.C. :**

. In response to the notice issued by this Court, respondent Nos.1 and 2 have filed their reply affidavit. It is conceded that physical possession of the subject lands has not been taken till date and that the petitioner continues in possession thereof. It is further stated that the amount of compensation has been deposited with the Land Acquisition, Rehabilitation and Resettlement Authority, Nashik, under Section 77(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act of 2013), although the specific date on which the said amount was deposited, has not been given.

2. In the reply affidavit, the respective respondents have also

relied upon a communication exchanged between the State Authority, making a reference to the judgment of the Supreme Court in the case of *State of Kerala & Ors. vs. M. Bhaskaran Pillai & Anr.*, (1997) 5 SCC 432.

3. The learned AGP contends that in such a situation, the question of applicability of Section 48 of the Land Acquisition Act, 1894, would not arise. It is further sought to be contended that since the acquisition in the present case was initiated before the Act of 2013 was enacted and brought into force, while the award was pronounced after the said Act had come into force, the question of applicability of Section 48 of the Land Acquisition Act, 1894, would also be a matter of debate.

4. We find substance in the contention raised on behalf of the petitioner that when the authority for whose benefit the subject lands were acquired, itself communicated by a letter dated 04.05.2022 to the Deputy Collector (Land Acquisition) that the subject lands were no longer required, the necessity for taking forward the matter of acquisition, does not exist. It would be appropriate in such a situation that the said authority for whose benefit the subject lands were sought to be acquired i.e. the Irrigation Department of District Raigad, is also be made party respondent in this petition. The said authority will have to appear before this Court and clarify the position regarding requirement of the subject lands.

5. In the meanwhile, the petitioner can also be permitted to file

an additional affidavit along with letter dated 04.05.2022, referred to hereinabove.

6. In view of the above, the petitioner is granted leave to amend the petition to add the Deputy Executive Engineer, Raigad Irrigation Department, Kolad, Taluka Roha, Dist. Raigad, as party respondent, in this petition. The amendment be carried out forthwith.

7. Issue notice to newly added respondent No.4, returnable on 06.07.2026 (High on Board).

8. The learned AGP is requested to inform the newly added respondent No.4 about the order passed today.

9. The petitioner is also directed to file additional affidavit along with copy of communication dated 04.05.2022 referred to hereinabove and other relevant documents, if any, within a period of three weeks from today.

**(SHREERAM V. SHIRSAT, J.)**

**(MANISH PITALE, J.)**