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

**WRIT PETITION NO. 8071 OF 2023**

Deepak Bobhale .. Petitioner  
**Versus**  
The Assistant Divisional Engineer  
and Ors. .. Respondents

**WITH  
WRIT PETITION NO. 8087 OF 2023**

Yogesh Shankar Patil And Ors. ...Petitioners  
**Versus**  
The Assistant Divisional Engineer  
and Ors. ...Respondents

**WITH  
WRIT PETITION NO. 8074 OF 2023**

Suraj Lakshman Patil ...Petitioner  
**Versus**  
The Assistant Divisional Engineer  
and Ors. ...Respondents

**WITH  
WRIT PETITION NO. 8073 OF 2023**

Kamlesh Shantaram Patil ...Petitioner  
**Versus**  
The Assistant Divisional Engineer  
and Ors. ...Respondents

**WITH  
WRIT PETITION NO. 8123 OF 2023**

Suresh Pandurang Patil And Ors. ...Petitioners  
**Versus**  
The Assistant Divisional Engineer  
and Ors. ...Respondents

**WITH**

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JULY 27, 2023

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**WRIT PETITION NO. 8090 OF 2023**

Mahendra Lakshman Bhoir And Anr. ...Petitioners  
Versus  
The Assistant Divisional Engineer  
and Ors. ...Respondents

**WITH  
WRIT PETITION NO. 8091 OF 2023**

Ramesh Goma Patil ...Petitioner  
Versus  
The Assistant Divisional Engineer  
and Ors. ...Respondents

**WITH  
WRIT PETITION NO. 8094 OF 2023**

Ranjit Ramchandra Bhoir ...Petitioner  
Versus  
The Assistant Divisional Engineer  
and Ors. ...Respondents

**WITH  
WRIT PETITION NO. 8097 OF 2023**

Dhiraj Kishor Bhoir ...Petitioner  
Versus  
The Assistant Divisional Engineer  
and Ors. ...Respondents

**WITH  
WRIT PETITION NO. 8101 OF 2023**

Kamlakar Krishna Bhoir And Ors. ...Petitioners  
Versus  
The Assistant Divisional Engineer  
and Ors. ...Respondents

**WITH  
WRIT PETITION NO. 8084 OF 2023**

Vinod Krishna Patil ...Petitioner  
Versus

The Assistant Divisional Engineer  
and Ors. ...Respondents

**WITH  
WRIT PETITION NO. 8082 OF 2023**

Vishwanath Bhaskar Patil ...Petitioner  
Versus  
The Assistant Divisional Engineer  
and Ors. ...Respondents

**WITH  
WRIT PETITION NO. 8075 OF 2023**

Hemant Bhaskar Patil ...Petitioner  
Versus  
The Assistant Divisional Engineer  
and Ors. ...Respondents

**WITH  
WRIT PETITION NO. 8077 OF 2023**

Kishor Tulshiram Bhoir ...Petitioner  
Versus  
The Assistant Divisional Engineer  
and Ors. ...Respondents

**WITH  
WRIT PETITION NO. 8080 OF 2023**

Ramesh Tulshiram Bhoir ...Petitioner  
Versus  
The Assistant Divisional Engineer  
and Ors. ...Respondents

**WITH  
WRIT PETITION NO. 8108 OF 2023**

Mahesh Harishchandra Bhoir ...Petitioner  
Versus  
The Assistant Divisional Engineer  
and Ors. ...Respondents

**WITH**

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**WRIT PETITION NO. 8099 OF 2023**

Bharat Kashinath Bhoir ...Petitioner  
Versus  
The Assistant Divisional Engineer  
and Ors. ...Respondents

**WITH  
WRIT PETITION NO. 8122 OF 2023**

Hemant Pandurang Patil ...Petitioner  
Versus  
The Assistant Divisional Engineer  
and Ors. ...Respondents

**WITH  
WRIT PETITION NO. 8089 OF 2023**

Purshottam Vijay Patil ...Petitioner  
Versus  
The Assistant Divisional Engineer  
and Ors. ...Respondents

**WITH  
WRIT PETITION NO. 8121 OF 2023**

Chandrakant Raghunath Bhoir ...Petitioner  
Versus  
The Assistant Divisional Engineer  
and Ors. ...Respondents

**WITH  
WRIT PETITION NO. 8114 OF 2023**

Shri. Nilesh Ganpat Bhoir ...Petitioner  
Versus  
The Assistant Divisional Engineer  
and Ors. ...Respondents

**WITH  
WRIT PETITION NO. 8111 OF 2023**

Ramkrishna Ganpat Bhoir ...Petitioner  
Versus

The Assistant Divisional Engineer  
and Ors. ...Respondents

**WITH  
WRIT PETITION NO. 8119 OF 2023**

Harishchandra Rama Bhoir ...Petitioner  
Versus  
The Assistant Divisional Engineer  
and Ors. ...Respondents

**WITH  
WRIT PETITION NO. 8105 OF 2023**

Namdev Rama Bhoir ...Petitioner  
Versus  
The Assistant Divisional Engineer  
and Ors. ...Respondents

**WITH  
WRIT PETITION NO. 8086 OF 2023**

Anant Pandurang Bhombre ...Petitioner  
Versus  
The Assistant Divisional Engineer  
and Ors. ...Respondents

**WITH  
WRIT PETITION NO. 8106 OF 2023**

Janardhan Laxman Bhoir ...Petitioner  
Versus  
The Assistant Divisional Engineer  
and Ors. ...Respondents

**WITH  
WRIT PETITION NO. 8107 OF 2023**

Jitendra Khandu Shinde ...Petitioner  
Versus  
The Assistant Divisional Engineer  
and Ors. ...Respondents

**WITH**



2. This group of petitions raise the same issue for consideration and therefore are being heard together. It is a common ground before us that all the Petitioners are similarly placed and for the purpose of convenience, the facts of the lead writ petition No. 8071 of 2021 are being referred to.

3. By this petition filed under Article 226 of the Constitution of India, the Petitioner is seeking a declaration that the Award passed by the Special Land Acquisition Officer (for short 'SLAO') about the Petitioner's land Gat No. 61/2/A admeasuring 34.4 Guntha situated at Village Kaladhonda, Tal. Uran, Dist. Raigad, under the Land Acquisition Act, 1894 (for short 'the said Act') stands lapsed. The Petitioner has also prayed for a direction to the Respondents to drop all the further proceedings under the said Act in relation to the subject matter land and pass a fresh Award either by an agreement with the Petitioner or by following the due process of law under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the 2013 Act') and pay the requisite compensation. The Petitioner has also prayed for a direction to the Respondents to provide an alternate area of land at some adjoining area.

4. Bare perusal of the prayers, which are stated above in a nutshell, clearly shows that these Petitioners have come to the Court with the most omnibus prayers that could be made, and in essence, are challenging the entire land acquisition proceedings and awards passed in respect of their lands.

#### THE PETITIONER'S CASE

5. It is the case of the Petitioner that he is the owner of the subject matter land since the time of his forefather. It is contended that Railways came to the Uran area, where the subject matter land is situated sometime in the year 1962, when India-China war was raging and the Central Government acquired lands in order to speed up the process of laying down railway lines. It is contended that the farmers being the owners of the lands, did not object the acquisition because of the war situation. It is contended in para 4(b) of the petition, that the possession of the lands was taken for installation of the railway tracks and apart from track installation, the lands have not been developed. It is specifically stated in paragraph 4(c) of the petition that award for the land acquisition, as per information of the Petitioner is passed by the Respondents sometime in the year 1963 for the Diva-

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Panvel-Uran Railway and the name of the Petitioner's predecessor (grandfather) has been removed as per mutation entry No. 749. This mutation entry is produced on record, which itself shows that it is dated 21.10.1966 by which name of the Railways is mutated.

6. It is further contended that due to the war situation and urgency, the Respondents had not proceeded for the payment of compensation and the right of the Petitioner's predecessor to compensation, was stuck in procedural issues, and as a result, neither the Petitioner nor his forefather received adequate, fair and full compensation. It is contended that till date compensation has not been paid and therefore, the acquisition proceedings stand lapsed under Section 24(2) of the 2013 Act. It is further contended that many times, the Petitioner has requested the Respondents regarding the supply of necessary documents, however, the requests were neglected. It is further contended that since the acquisition stands lapsed, the Petitioner is entitled to compensation under the 2013 Act, as per today's prevailing market rate. It is further contended that till date, the amount of compensation has not been deposited in the account of the Petitioner.

7. In paragraph 4(j) of the petition, it is contended that the Petitioner is entitled to benefit under Section 24(2) of the 2013 Act because within 5 years before operation of the 2013 Act, compensation has not been paid and physical possession is also not taken over by the Respondents. It must be noted here itself that this case of physical possession not being taken over, is contrary to the case made out in the earlier part of the petition [paragraph 4(b)], as narrated above. In paragraph 4(l), it is contended that the word 'or' appearing in Section 24(2) of the 2013 Act be read as disjunctive and not conjunctive.

8. In paragraph 4(n), it is contended that the Petitioner is ready to execute an agreement and receive compensation as per the provisions of the new Act and the Petitioner is not opposing any development work and is willing to co-operate. It is further contended that the Respondents have no material to establish that compensation was paid and an Award has been made. On these grounds, the petition is filed seeking reliefs as more particularly set out earlier.

#### THE RESPONDENTS' CASE

9. The Deputy Chief Engineer (Construction) Central Railways has filed a common affidavit-in-reply affirmed on 15.02.2021 on behalf of the Respondent Nos. 1 and 2. It is contended that on the subject matter lands, construction of the Railways project, Nerul-Belapur-Seawood-Uran Railway, is underway. It is contended that the petition suffers from laches and is filed after a hopelessly long period of time. So far as the grievance of non-payment of compensation to the Petitioner's forefather, or the acquisition proceedings which have taken place as far back as in the year 1963 are concerned, it is contended that the Petitioners' have come before the Court after a long period of about 60 years and on this count alone, the petition deserves to be dismissed as per the law, now settled by the Constitution Bench of the Hon'ble Supreme Court in the matter of *Indore Development Authority v/s. Manoharlal and Ors*<sup>1</sup>. It is contended that the documents produced by the Petitioners themselves are sufficient to show that the land in question was acquired way back in the year 1963 and thereafter the ownership of subject matter land has vested in the Respondent/Railways with necessary mutation entries in place, since a long period of time.

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<sup>1</sup>

(2020) 8 SCC 129

10. It is contended that possession of any land acquired for the purpose of the Railway is handed over to the Railway only after the Railways deposit the required amount of compensation as determined by the concerned SLAO. It is only thereafter the name of the Railways is entered in the Revenue Records such as mutation entry, 7/12 extract, *Kami Jast Patrak*. It is therefore vehemently submitted that it is impossible to believe that no compensation is paid to Petitioner's forefather.

11. It is contended that after a long span of about 60 years, the entire record pertaining to the acquisition in the village Kaladhonda, where the subject matter lands are situated, is not traceable. However, the mutation records clearly show the acquisition of land by the Respondent/Railways has taken place way back in the year 1963. It is further contended that after the acquisition of subject matter land, the Respondent/Railways were put in possession initially for a goods line till Uran and various structures such as booking office, goods shed, siding and staff quarters etc. are constructed and the same has been operational until some years back. It is contended that in the meantime, the work of Nerul-Belapur-Seawood-Uran [doubling of line] was in progress and since 2012 and even contracts of necessary

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earthwork and construction of minor bridges, drains etc. have been awarded. It is contended that in the aforesaid facts and circumstances, the claim of the Petitioner about invocation of Section 24(2) of the 2013 Act, at such belated stage after about 60 years, is wholly untenable. It is further contended that from the averments made in the petition, the Petitioner himself is not clear about his own case. It is contended that bare perusal of 7/12 extract produced by the Petitioner himself, would show the name of Diva-Panvel-Uran Railway in the holder's column. It is specifically contended that the death certificates produced by the Petitioners showing the dates of the death of their forefathers or predecessors make it clear that no grievance was raised by those persons during their life time, which further indicates that due procedure has been followed a long time ago. It is contended that the subject matter land has vested in the Respondent/Railways since a long time and there is nothing to show that the Petitioner is in physical possession thereof. On these and other grounds the petition is opposed by Respondent Nos. 1 and 2 [Central Railways].

12. By filing an **Additional Affidavit** affirmed on 22.02.2021, the Railway has placed on record the copies of the 4 Land

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Acquisition Awards with respect to the subject matter lands of the Petitioners' in land acquisition proceedings viz. LAQ No. 60, LAQ No. 113 and LAQ No. 138. With this additional affidavit, the Railway has not only produced the awards but also produced the copies of statement containing names of interested persons for the payment of compensation and rental compensation prepared by concerned SLAO way back in the year 1966. It is contended that names of Petitioners' forefathers are appearing in the said proceedings viz. awards and also in the statements prepared at the relevant time. It is contended that the forefathers of the Petitioners who received compensation including rental compensation, have not raised any grievance during their life time.

13. The Sub-Divisional Officer, Uran, Taluka Panvel, District Raigad has filed Affidavit-in-Reply affirmed on 22.03.2021 on behalf of the Respondent No.3 State. It is once again contended, this time by the Respondent/State, that the Petitioner has come before the Court after a long period and as such the petition suffers from laches and is filed in a hopelessly belated manner. It is contended that the notification about the subject matter land was published on 12.07.1961, followed by notification in the

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Government Gazette on 08.11.1962, of which, copy is produced on record. It is contended that all the subject matter lands of the present group of petitions were acquired under four different awards and thereafter, in the year 1965, the necessary measurements have been made and *Kami Jast Patrak* has been prepared.

14. It is contended that after following the due procedure under law, mutation entry No. 834 dated 05.02.1974, has been recorded and the subject matter land was muted in the name of Respondent/Railways, which has continued as such till date. It is also contended that as per mutation entry Nos. 747, 748, 749 and 750 all dated 21.10.1966, assessment of the land revenue is reduced and necessary entries have been made in the other rights column. The copies of the said mutation entries are produced on record.

15. It is contended that the final awards have been declared in the year 1964 and therefore, *ex-facie* the present petitions filed after a period of 56 years, suffer from serious laches. It is contended that no applications for non-payment of compensation or enhanced compensation etc. were filed in respect of the subject

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matter lands. In short, it is contended by the Respondent/State that subject matter lands, [in relation to which the present group of petitions are filed], have been already acquired by the following due process of law with compensation paid and possession taken and such lands are standing in the name of Respondent/Railways since 1965 and therefore, these petitions cannot be entertained at such a belated stage.

#### SUBMISSIONS

16. In answer to the case set up by the Railways and the State, Mr. Shah & Mr. Kulkarni, learned counsels on behalf of the Petitioners, submitted that the name in the mutation entry is for fiscal purposes primarily and does not give title. It is submitted that as such the mutation entry and names in the 7/12 extract will not be of help to the Respondent/Railways. It is submitted that in the present matter, there is nothing to show that the Petitioner or his forefather were paid requisite compensation or that possession of the subject matter lands, was taken from them by following due process of law and therefore, it is urged that the subject matter acquisition would stand lapsed and awards, if any, will have to be set aside. He further submitted that the present case is squarely covered by the Judgment of the Hon'ble Supreme

Court in the matter of *Vidya Devi v/s. State of Himachal Pradesh*<sup>2</sup> and *Sukh Dutt Ratra & Anr v/s. State of Himachal Pradesh & Ors*<sup>3</sup>. It is submitted that in the above cited cases, the Hon'ble Supreme Court has entertained a belated claim made by the Appellants therein. It is submitted that delay and laches cannot be raised in the case of a continuing cause of action and the constitutional rights of a citizen guaranteed under Article 300A of the Constitution of India, cannot be taken away. He submitted that citizens like Petitioners cannot be deprived of their rights by statutory authorities and therefore the procedure under law and obligation to pay compensation cannot be ignored. Hence, the Petitioners are entitled to just and fair compensation. It is further submitted that at least the treasury receipts should have been produced on record by the Respondents to substantiate payment of compensation to the Petitioner's forefathers and as such in the facts of the present case, interference is required at the hands of this Court.

17. *Per contra*, Mr. Pandian appearing for the Respondent/Railways, at the outset invited our attention to the conclusion drawn by the Hon'ble Supreme Court in a 5-Judges

<sup>2</sup>

(2020) 2 SCC 569

<sup>3</sup>

(2022) 7 SCC 508

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decision rendered in **Indore Development Authority (*Supra*)**, which is currently holding the field in such matters. He submitted that it is clearly interpreted by the Hon'ble Supreme Court that Section 24(2) of the 2013 Act, does not give rise to any new cause of action for questioning the legality of concluded proceedings of the land acquisition but in fact, it basically is applied to proceedings pending on the date of enforcement of the 2013 Act. He vehemently urged that the provisions of the 2013 Act, more particularly section 24(2) thereof, do not revive stale and time barred claims, and they do not reopen concluded proceedings, nor can allow the land owners to question the legality of the mode of taking possession or mode of deposit of compensation to invalidate an acquisition after a long interval of time.

18. It is submitted that these petitions are nothing but a chance litigation by Petitioners, who, by taking undue advantage of the long lapse of time, are demanding production of old records, and on the non-production of such certain records, are trying to take the undue benefit of non-availability of such certain documents with the Authorities due to lapse of about 60 years in this case. He submitted that mutation entries and revenue records admittedly standing in the name of Railways was within the public domain

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since last so many years and the concerned mutation entries clearly make a reference to land acquisition proceedings. Therefore, it is urged that if the Petitioners' predecessors did not raise any objection or grievances about the land acquisition proceedings concluded way back in the 1960s, surely means that they had received their due compensation and therefore these Petitioners cannot be permitted to raise any grievance at such a belated stage. He further submitted that whatever record is available with the authorities, in the form of notifications, copies of awards and the statements prepared in 1960 for grant of compensation or rental compensation, 7/12 extract etc., are produced by Respondent/Railways as well as Respondent/State and the material produced on record is sufficient to conclude that land acquisition proceedings had in fact taken place, which have gone unchallenged for so many years. He submitted that 'the twin condition' of non-receipt of compensation AND non-taking of possession, held mandatory by the Hon'ble Supreme Court for lapsing, is awfully lacking in the present case. He submitted that the Petitioners cannot be heard to say that the subject matter lands are in their possession, in the teeth of the long-standing mutation entries and Petitioners' own pleadings, and therefore, there is no question of lapsing. Mr. Pandian has shown to the

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Court the present photographs of an existing Railway Station on the subject matter lands.

19. Mr. Patel, learned AGP has supported all the arguments of Mr. Pandian and reiterated that due process of law has been followed in the present matter.

### REASONS AND CONCLUSIONS

20. We have carefully considered the rival submissions and perused the record.

21. The Respondent/Railways have relied upon a petition-wise chart produced at 'Exhibit K', along with additional affidavit dated 22.02.2021 filed in Writ Petition No. 8071 of 2023. In this chart, the Respondent/Railways have supplied details of the material produced by them on record, petition-wise, to substantiate their case. The said chart and material produced on record is not seriously disputed by any of the petitioners either by filing a rejoinder or otherwise. However, for our satisfaction, we have gone through the record and have made a note of the following material found petition-wise, and which is recorded in chart below:

Sr. N	WP	Name of the	Subject Matter	Materials placed on record by the Petitioners and
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o.	No.	Petitioner	Lands	Respondents
1	8073 of 2023	Kamlesh Shantaram Patil	Gat No.18/12/ B Area- 38.60  Gat No.17/12/ E Area- 27.80	<p><b>7/12 extract</b> produced by Petitioner himself, showing name of Petitioner's forefather as deleted and name of Diva Panvel Uran Railway entered vide mutation entry No.748/749 dated 21.10.66.</p> <p><b>Statement</b> produced by Railways showing the details of the compensation including rental compensation payable to the interested persons showing the name of the Petitioner's forefather.</p>
2	8123 of 2023	Suresh Pandurang Patil	Gat No.75/1 Area- 81  Gat No.69/3 Area- 8.30  Gat No.68/3 Area- 14.90  Gat No.70/4 Area- 8.60  Gat No.71/2 Area- 13.00  Gat No.77/3/ C Area- 4  Gat No.77/2/ D Area- 7.80  Gat No.73/12/ A Area- 10.20	<p><b>7/12 extract</b> produced by Petitioner himself, showing name of Petitioner's forefather as deleted and name of Diva Panvel Uran Railway entered vide mutation entry No.748/749 dated 21.10.66.</p> <p><b>Land Acquisition Award</b> produced by the Railways, showing the name of the Petitioner's forefather.</p> <p><b>Declaration under Section 6</b> of the Land Acquisition Act, 1894, produced by the state, for the Land Acquisition showing the subject matter lands of the Petitioner.</p>
3	8122 of 2023	Hemant Pandurag Patil	Gat No.17/2/ A Area- 5.10	<p><b>7/12 extract</b> produced by Petitioner himself, showing name of Petitioner's forefather as deleted and name of Diva Panvel Uran Railway entered vide mutation entry No.748/749 dated 21.10.66.</p> <p><b>Statement</b> produced by Railways showing the details of the compensation including rental compensation payable to the interested persons showing the names of the Petitioner's forefather.</p> <p><b>Declaration under Section 6</b> of the Land Acquisition</p>

				Act, 1894, produced by the state, for the Land Acquisition showing the subject matter lands of the Petitioner.
4	8089 of 2023	Purshottam Vijay Patil	Gat No.17/12/F Area-14.40	<p><b>7/12 extract</b> produced by Petitioner himself, showing name of Petitioner's forefather as deleted and name of Diva Panvel Uran Railway entered vide mutation entry No.748/749 dated 21.10.66.</p> <p><b>Statement</b> produced by Railways showing the details of the compensation including rental compensation payable to the interested persons showing the names of the Petitioner's forefather.</p>
5	8121 of 2023	Chandrakanth Raghunath Boir	Gat No.71/4/B Area-5.80	<p><b>7/12 extract</b> produced by Petitioner himself, showing name of Petitioner's forefather as deleted and name of Diva Panvel Uran Railway entered vide mutation entry No.748/749 dated 21.10.66.</p> <p><b>Statement</b> produced by Railways showing the details of the compensation including rental compensation payable to the interested persons showing the names of the Petitioner's forefather.</p>
6	8114 of 2023	Nilesh Ganpat Bhoir	Gat No.81/1/B Area-12.60	<p><b>7/12 extract</b> produced by Petitioner himself, showing name of Petitioner's forefather as deleted and name of Diva Panvel Uran Railway entered vide mutation entry No.748/749 dated 21.10.66.</p> <p><b>Statement</b> produced by Railways showing the details of the compensation including rental compensation payable to the interested persons showing the names of the Petitioner's forefather.</p> <p><b>Declaration under Section 6</b> of the Land Acquisition Act, 1894, produced by the state, for the Land Acquisition showing the subject matter lands of the Petitioner.</p>
7	8071 of 2023	Deepak Parshuram Bobhale	Gat No.61/2/A Area-34.40	<p><b>7/12 extract</b> produced by Petitioner himself, showing name of Petitioner's forefather as deleted and name of Diva Panvel Uran Railway entered vide mutation entry No.748/749 dated 21.10.66.</p> <p><b>Statement</b> produced by Railways showing the details of the compensation including rental compensation payable to the interested persons showing the names of the Petitioner's forefather.</p> <p><b>Declaration under Section 6</b> of the Land Acquisition Act, 1894, produced by the state, for the Land Acquisition showing the subject matter lands of the Petitioner.</p>
8	8111 of 2023	Ramkrushna Ganpat Bhoir	Gat No.75/2 Area-23.40	<p><b>7/12 extract</b> produced by Petitioner himself, showing name of Petitioner's forefather as deleted and name of Diva Panvel Uran Railway entered vide mutation entry No.748/749 dated 21.10.66.</p> <p><b>Statement</b> produced by Railways showing the details of the compensation including rental compensation payable to the interested persons showing the names of the Petitioner's forefather.</p>

				<b>Declaration under Section 6</b> of the Land Acquisition Act, 1894, produced by the state, for the Land Acquisition showing the subject matter lands of the Petitioner.
9	8119 of 2023	Harishchandra Rama Bhoir	Gat No.16 Area-30.20	<p><b>7/12 extract</b> produced by Petitioner himself, showing name of Petitioner's forefather as deleted and name of Diva Panvel Uran Railway entered vide mutation entry No.748/749 dated 21.10.66.</p> <p><b>Land Acquisition Award</b> produced by the Railway, showing the names of the Petitioner's forefather.</p> <p><b>Statement</b> produced by Railways showing the details of the compensation including rental compensation payable to the interested persons showing the names of the Petitioner's forefather.</p> <p><b>Declaration under Section 6</b> of the Land Acquisition Act, 1894, produced by the state, for the Land Acquisition showing the subject matter lands of the Petitioner.</p>
10	8101 of 2023	Kamlakar Krishna Bhoir	Gat No.65/2 Area-74.30	<p><b>7/12 extract</b> produced by Petitioner himself, showing name of Petitioner's forefather as deleted and name of Diva Panvel Uran Railway entered vide mutation entry No.748/749 dated 21.10.66.</p> <p><b>Statement</b> produced by Railways showing the details of the compensation including rental compensation payable to the interested persons showing the names of the Petitioner's forefather.</p> <p><b>Declaration under Section 6</b> of the Land Acquisition Act, 1894, produced by the state, for the Land Acquisition showing the subject matter lands of the Petitioner.</p>
11	8084 of 2023	Vinod Krishna Patil	Gat No.18/12/A Area-3.80	<p><b>7/12 extract</b> produced by Petitioner himself, showing name of Petitioner's forefather as deleted and name of Diva Panvel Uran Railway entered vide mutation entry No.748/749 dated 21.10.66.</p> <p><b>Land Acquisition Award</b> produced by the Railway, showing the names of the Petitioner's forefather.</p> <p><b>Statement</b> produced by Railways showing the details of the compensation including rental compensation payable to the interested persons showing the names of the Petitioner's forefather.</p>
12	8082 of 2023	Vishwanath Bhaskar Patil	Gat No.17/2/B Area-13.70	<p><b>7/12 extract</b> produced by Petitioner himself, showing name of Petitioner's forefather as deleted and name of Diva Panvel Uran Railway entered vide mutation entry No.748/749 dated 21.10.66.</p> <p><b>Land Acquisition Award</b> produced by the Railway, showing the names of the Petitioner's forefather.</p> <p><b>Statement</b> produced by Railways showing the details of the compensation including rental compensation payable to the interested persons showing the names of the Petitioner's forefather.</p>

				<b>Declaration under Section 6</b> of the Land Acquisition Act, 1894, produced by the state, for the Land Acquisition showing the subject matter lands of the Petitioner.
13	8097 of 2023	Dhiraj Kishor Boir	Gat No.77/1 Area-73.40	<p><b>7/12 extract</b> produced by Petitioner himself, showing name of Petitioner's forefather as deleted and name of Diva Panvel Uran Railway entered vide mutation entry No.748/749 dated 21.10.66.</p> <p><b>Land Acquisition Award</b> produced by the Railway, showing the names of the Petitioner's forefather.</p> <p><b>Statement</b> produced by Railways showing the details of the compensation including rental compensation payable to the interested persons showing the names of the Petitioner's forefather.</p> <p><b>Declaration under Section 6</b> of the Land Acquisition Act, 1894, produced by the state, for the Land Acquisition showing the subject matter lands of the Petitioner.</p>
14	8075 of 2023	Hemant Bhaskar Patil	Gat No.72/2/D Area-6.30	<p><b>7/12 extract</b> produced by Petitioner himself, showing name of Petitioner's forefather as deleted and name of Diva Panvel Uran Railway entered vide mutation entry No.748/749 dated 21.10.66.</p> <p><b>Land Acquisition Award</b> produced by the Railway, showing the names of the Petitioner's forefather.</p> <p><b>Statement</b> produced by Railways showing the details of the compensation including rental compensation payable to the interested persons showing the names of the Petitioner's forefather.</p>
15	8077 of 2023	Kishor Tulshiram Bhoir	Gat No.61/1 Area-13.00	<p><b>7/12 extract</b> produced by Petitioner himself, showing name of Petitioner's forefather as deleted and name of Diva Panvel Uran Railway entered vide mutation entry No.748/749 dated 21.10.66.</p> <p><b>Statement</b> produced by Railways showing the details of the compensation including rental compensation payable to the interested persons showing the names of the Petitioner's forefather.</p> <p><b>Declaration under Section 6</b> of the Land Acquisition Act, 1894, produced by the state, for the Land Acquisition showing the subject matter lands of the Petitioner.</p>
16	8080 of 2023	Ramesh Tulshiram Bhoir	Gat No.77/3/B Area-3.80	<p><b>7/12 extract</b> produced by Petitioner himself, showing name of Petitioner's forefather as deleted and name of Diva Panvel Uran Railway entered vide mutation entry No.748/749 dated 21.10.66.</p> <p><b>Statement</b> produced by Railways showing the details of the compensation including rental compensation payable to the interested persons showing the names of the Petitioner's forefather.</p> <p><b>Declaration under Section 6</b> of the Land Acquisition</p>

				Act, 1894, produced by the state, for the Land Acquisition showing the subject matter lands of the Petitioner.
17	8079 of 2023	Chandrashekar Bhoir	Gat No.71/1 Area-15.00	<p><b>7/12 extract</b> produced by Petitioner himself, showing name of Petitioner's forefather as deleted and name of Diva Panvel Uran Railway entered vide mutation entry No.748/749 dated 21.10.66.</p> <p><b>Statement</b> produced by Railways showing the details of the compensation including rental compensation payable to the interested persons showing the names of the Petitioner's forefather.</p> <p><b>Declaration under Section 6</b> of the Land Acquisition Act, 1894, produced by the state, for the Land Acquisition showing the subject matter lands of the Petitioner.</p>
18	8206 of 2023	Janardan Lakshman Bhoir	Gat No.77/3/E Area-7.60	<p><b>7/12 extract</b> produced by Petitioner himself, showing name of Petitioner's forefather as deleted and name of Diva Panvel Uran Railway entered vide mutation entry No.748/749 dated 21.10.66.</p> <p><b>Statement</b> produced by Railways showing the details of the compensation including rental compensation payable to the interested persons showing the names of the Petitioner's forefather.</p> <p><b>Declaration under Section 6</b> of the Land Acquisition Act, 1894, produced by the state, for the Land Acquisition showing the subject matter lands of the Petitioner.</p>
19	8206 of 2023	Jitendra Khandu Shinde	Gat No.73/12/C Area-14.00	<p><b>7/12 extract</b> produced by Petitioner himself, showing name of Petitioner's forefather as deleted and name of Diva Panvel Uran Railway entered vide mutation entry No.748/749 dated 21.10.66.</p> <p><b>Declaration under Section 6</b> of the Land Acquisition Act, 1894, produced by the state, for the Land Acquisition showing the subject matter lands of the Petitioner.</p>
20	8105 of 2023	Namdev Rama Bhoir	Gat No.17/4 Area-7.80	<p><b>7/12 extract</b> produced by Petitioner himself, showing name of Petitioner's forefather as deleted and name of Diva Panvel Uran Railway entered vide mutation entry No.748/749 dated 21.10.66.</p> <p><b>Land Acquisition Award</b> produced by the Railway, showing the names of the Petitioner's forefather.</p> <p><b>Statement</b> produced by Railways showing the details of the compensation including rental compensation payable to the interested persons showing the names of the Petitioner's forefather.</p> <p><b>Declaration under Section 6</b> of the Land Acquisition Act, 1894, produced by the state, for the Land Acquisition showing the subject matter lands of the Petitioner.</p>
21	8086	Anant	Gat	<b>7/12 extract</b> produced by Petitioner himself, showing

	of 2023	Pandurang Bhoir	No.73/8/ A Area- 16.30 Gat No.73/8/ B Area- 4.30  Gat No.75/5/ A Area- 45.40  Gat No.71/5/B Area- 29.20	name of Petitioner's forefather as deleted and name of Diva Panvel Uran Railway entered vide mutation entry No.748/749 dated 21.10.66.
22	8108 of 2023	Mahesh Harishchan dra Bhoir	Gat No.69/1 Area- 23.60	<p><b>7/12 extract</b> produced by Petitioner himself, showing name of Petitioner's forefather as deleted and name of Diva Panvel Uran Railway entered vide mutation entry No.748/749 dated 21.10.66.</p> <p><b>Land Acquisition Award</b> produced by the Railway, showing the names of the Petitioner's forefather.</p> <p><b>Statement</b> produced by Railways showing the details of the compensation including rental compensation payable to the interested persons showing the names of the Petitioner's forefather.</p> <p><b>Declaration under Section 6</b> of the Land Acquisition Act, 1894, produced by the state, for the Land Acquisition showing the subject matter lands of the Petitioner.</p>
23	8099 of 2023	Bharat Kashinath Bhoir	Gat No.68/2/ A/1 Area- 10  Gat No.65/1/ A/1 Area- 3.60  Gat No.67/1/ A Area- 22.70  Gat No.68/2/ B/1 Area- 10  Gat No.67/2/ A	<p><b>7/12 extract</b> produced by Petitioner himself, showing name of Petitioner's forefather as deleted and name of Diva Panvel Uran Railway entered vide mutation entry No.748/749 dated 21.10.66.</p> <p><b>Statement</b> produced by Railways showing the details of the compensation including rental compensation payable to the interested persons showing the names of the Petitioner's forefather.</p> <p><b>Declaration under Section 6</b> of the Land Acquisition Act, 1894, produced by the state, for the Land Acquisition showing the subject matter lands of the Petitioner.</p>

			Area-23.00  Gat No.65/1/B/1 Area-3.80	
24	8090 of 2023	Mahendra Lakshman Bhoir	Gat No.79/4/B Area-25.80  Gat No.77/2/A Area-33.90	<b>7/12 extract</b> produced by Petitioner himself, showing name of Petitioner's forefather as deleted and name of Diva Panvel Uran Railway entered vide mutation entry No.748/749 dated 21.10.66.  <b>Statement</b> produced by Railways showing the details of the compensation including rental compensation payable to the interested persons showing the names of the Petitioner's forefather.  <b>Declaration under Section 6</b> of the Land Acquisition Act, 1894, produced by the state, for the Land Acquisition showing the subject matter lands of the Petitioner.
25	8091 of 2023	Ramesh Goma Patil	Gat No.66/1 Area-12.60	<b>7/12 extract</b> produced by Petitioner himself, showing name of Petitioner's forefather as deleted and name of Diva Panvel Uran Railway entered vide mutation entry No.748/749 dated 21.10.66.  <b>Declaration under Section 6</b> of the Land Acquisition Act, 1894, produced by the state, for the Land Acquisition showing the subject matter lands of the Petitioner.
26	8094 of 2023	Ranjeet Ramchandra Bhoir	Gat No.72/7 Area-8.60	<b>7/12 extract</b> produced by Petitioner himself, showing name of Petitioner's forefather as deleted and name of Diva Panvel Uran Railway entered vide mutation entry No.748/749 dated 21.10.66.  <b>Land Acquisition Award</b> produced by the Railway, showing the names of the Petitioner's forefather.  <b>Statement</b> produced by Railways showing the details of the compensation including rental compensation payable to the interested persons showing the names of the Petitioner's forefather.  <b>Declaration under Section 6</b> of the Land Acquisition Act, 1894, produced by the state, for the Land Acquisition showing the subject matter lands of the Petitioner.
27	8088 of 2023	Ashok Harishchandra Patil	Gat No.19/1/A Area-0.90  Gat No.19/3 Area-20.20	<b>7/12 extract</b> produced by Petitioner himself, showing name of Petitioner's forefather as deleted and name of Diva Panvel Uran Railway entered vide mutation entry No.748/749 dated 21.10.66.  <b>Statement</b> produced by Railways showing the details of the compensation including rental compensation payable to the interested persons showing the names of the Petitioner's forefather.  <b>Declaration under Section 6</b> of the Land Acquisition Act, 1894, produced by the state, for the Land

				Acquisition showing the subject matter lands of the Petitioner.
28	8087 of 2023	Yogesh Shankar Patil	<p>Gat No.70/2/A Area-10.9</p> <p>Gat No.70/2/B Area- 86</p> <p>Gat No.72/3/B Area- 1.5</p> <p>Gat No.77/3/A Area-3.8</p>	<p><b>7/12 extract</b> produced by Petitioner himself, showing name of Petitioner's forefather as deleted and name of Diva Panvel Uran Railway entered vide mutation entry No.748/749 dated 21.10.66.</p> <p><b>Statement</b> produced by Railways showing the details of the compensation including rental compensation payable to the interested persons showing the names of the Petitioner's forefather.</p> <p><b>Declaration under Section 6</b> of the Land Acquisition Act, 1894, produced by the state, for the Land Acquisition showing the subject matter lands of the Petitioner.</p>
29	8074 of 2023	Suresh Lakshman Patil	<p>Gat No.17/2/E Area- 27.80</p> <p>Gat No.18/2/B Area- 38.60</p>	<p><b>7/12 extract</b> produced by Petitioner himself, showing name of Petitioner's forefather as deleted and name of Diva Panvel Uran Railway entered vide mutation entry No.748/749 dated 21.10.66.</p> <p><b>Statement</b> produced by Railways showing the details of the compensation including rental compensation payable to the interested persons showing the names of the Petitioner's forefather.</p> <p><b>Declaration under Section 6</b> of the Land Acquisition Act, 1894, produced by the state, for the Land Acquisition showing the subject matter lands of the Petitioner.</p>

22. It is pertinent to note that the above material clearly indicates either (i) gazette declaration u/s. 6 of the Land Acquisition Act, 1894, when the lands at village Kaladhonda were acquired for the said Railway project or (ii) name/s of predecessor of the Petitioner appearing in the statement of compensation & rental compensation paid during the acquisition or (iii) 7/12 extract showing that the name/s of the forefathers of the Petitioners were removed and the name of the Railway was

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entered. Apart from this, copies of 3 awards out of the 4 concerned awards, have also been produced on record showing names of the Petitioners' predecessor/s and the subject matter lands.

23. This apart, perusal of the averments made in the petition/s show that the Petitioners have taken contradictory stands about possession of the land. Possession of Respondent/Railways cannot be disputed in the teeth of long-standing mutation entries, 7/12 extracts and the photographs produced by the Respondent/Railways. In that view of the matter, there is no question of lapsing as on date, because the twin conditions of lack of payment of compensation AND lack of taking possession, is not met.

24. Also, in view of the aforesaid material produced by the Respondents, this is not a case where there is nothing to indicate that acquisition proceedings of subject matter lands had taken place. This is also not a case where either the acquiring body or the Respondent/State has come before the Court clearly admitting that no acquisition proceedings have taken place. In fact, this is a

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contested matter in which both the Respondent/Railways [Acquiring body] and the Respondent/State have seriously opposed the prayers made by the Petitioners on the ground of inordinate delay and laches. A clear stand has been taken by both, the Respondent/State and the Respondent/Railways (Acquiring Body), that awards have been made by following due process of law and the compensation have also been paid to the Petitioners' forefathers including rental compensation.

25. In that view of the matter, the reliance placed by the learned counsel for the Petitioners on the Judgment of the Hon'ble Supreme Court in the case of *Vidya Devi (Supra)* will not advance their case for more than one distinguishing reason. We say so, firstly because in *Vidya Devi's case*, the State had come before the Court with the case of adverse possession justifying forcible expropriation of the Appellant's property without following due procedure. It is in that context that the Hon'ble Supreme Court held that such a stance cannot be countenanced and the State, being a welfare state, cannot be permitted to perfect its title over land by invoking the doctrine of adverse possession. Secondly, in *Vidya Devi's case (supra)* the Appellant Vidya Devi [interested person] herself was before the Court and there was

delay/laches on her part. Finding that she is an illiterate widow coming from a rural background, the Hon'ble Supreme Court held that in such a situation, there is no period of limitation for the Court to exercise constitutional jurisdiction to do substantial justice. In the present case, the persons, during whose lifetime the acquisition proceedings have taken place [interested persons] culminating in awards and the payment of compensation including rental compensation, have not challenged the proceedings or awards during their lifetime, and the Petitioners who are their successors, have come to Court after a long period of almost 60 years. After lapse of such a long time, the Petitioners are seeking to question the legality about the mode of taking possession and mode of deposit of compensation. This attempt of the Petitioners is certainly "an attempt to revive stale and time barred claims" which is expressly prohibited under conclusion given by the Hon'ble Supreme Court in the case of ***Indore Development Authority (Supra)***. We draw support from clause 366.9 of the said Judgment, wherein the Hon'ble Supreme Court has concluded as below:

*"366.9. Section 24(2) of the 2013 Act does not give rise to new cause of action to question the legality of concluded proceedings of land acquisition. Section 24 applies to a proceeding pending on the date of enforcement of the 2013 Act i.e., 1-1-2014. It does not revive stale and time-barred claims and does not*

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*reopen concluded proceedings nor allow landowners to question the legality of mode of taking possession to reopen proceedings or mode of deposit of compensation in the treasury instead of court to invalidate acquisition.”*

26. So far as the Judgment of ***Sukh Dutt Ratra (Supra)*** is concerned, it is submitted that if the Court is satisfied that the material produced by the State on record does not inspire confidence, then it has to be rejected. A careful perusal of the said judgment shows that the Hon’ble Supreme Court in that matter, had found on facts, that the contention raised by the State does not inspire confidence for lack of material. Para 21 of the said Judgment is reproduced below for ready reference:

*“21. Having considered the pleadings filed, this Court finds that the contentions raised by the State, do not inspire confidence and deserve to be rejected. The State has merely averred to the appellants’ alleged verbal consent or the lack of objection, but has not placed any material on record to substantiate this plea. Further, the State was unable to produce any evidence indicating the land of the appellants had been taken over or acquired in the manner known to law, or that they had ever paid any compensation. It is pertinent to note that this was the State’s position, and subsequent findings of the High Court in 2007 as well, in the other writ proceedings.”*

*[Emphasis supplied]*

27. The present matter is clearly distinguishable on facts, in as much as, apart from producing copies of awards, the Respondent/

Railways and Respondent/State have placed on record the notification/declaration under Section 6 of the said Act in respect of the acquisition which had taken place in the subject matter village Kaladhonda and has also placed on record the statement prepared during the distribution of compensation and rental compensation. In the present case, the 7/12 extract and mutation entries produced on record [in most cases, by the Petitioners themselves] clearly indicate that the name of the Railways is entered in the record of rights after mutation entries are recorded, stating that land acquisition has taken place. All this material, in our considered view, is sufficient to inspire confidence that the lands of the Petitioners' forefather/s were acquired by following due process of law and therefore, the case law relied upon by the Petitioner in *Sukh Dutta Ratra's case (Supra)* also does not advance the case of the Petitioners.

28. As a result, we find that these Petitioners have simply taken a chance, trying to capitalize on the old nature of the acquisition which is about 60 years. Faced with the material produced on record by the Respondent/Railways and the Respondent/State, the Petitioners cannot be permitted to take such a spacious plea that no document about possession or no document regarding

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payment of compensation is available. The said plea being within the realm of disputed questions of facts cannot be gone into in writ jurisdiction, that too after such a long period of time. Therefore, the Petitioners' omnibus prayers cannot be considered by this Court. In the facts of this case, we have no hesitation to hold that our extraordinary jurisdiction under Article 226 of the Constitution of India is certainly not available for cases like these 29 petitions. We are of the clear view that this is an attempt to dig old graves seeking to find chance treasures. We are afraid that our jurisdiction cannot be exercised in aid of such efforts.

29. In the facts of this case, the observations of the Hon'ble Supreme Court made in paragraph 14 of the Judgment of *State of Maharashtra v/s. Digambar<sup>4</sup>* assumes importance in the context of undue delay and laches. In the said judgment, the Hon'ble Supreme Court has explained how the State may not be able to show that its actions were legal or correct for want of records or for the reason of non availability of the Officers who were responsible for the action complained of, in petitions filed after undue delay. Paragraph 14 of the Judgment is reproduced below:

*14. How a person who alleges against the State of deprivation of his legal right, can get relief of compensation*

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<sup>4</sup> (1995) 4 SCC 683

*from the State by invoking writ jurisdiction of the High Court under Article 226 of the Constitution even though, he is guilty of laches or undue delay is difficult to comprehend, when it is well settled by decisions of this Court that no person, be he a citizen or otherwise, is entitled to obtain the equitable relief under Article 226 of the Constitution if his conduct is blameworthy because of laches, undue delay, acquiescence, waiver and the like. Moreover, how a citizen claiming discretionary relief under Article 226 of the Constitution against a State, could be relieved of his obligation to establish his unblameworthy conduct for getting such relief, where the State against which relief is sought is a Welfare State, is also difficult to comprehend. Where the relief sought under Article 226 of the Constitution by a person against the Welfare State is founded on its alleged illegal or wrongful executive action, the need to explain laches or undue delay on his part to obtain such relief, should, if anything, be more stringent than in other cases, for the reason that the State due to laches or undue delay on the part of the person seeking relief, may not be able to show that the executive action complained of was legal or correct for want of records pertaining to the action or for the officers who were responsible for such action not being available later on. Further, where granting of relief is claimed against the State on alleged unwarranted executive action, is bound to result in loss to the public exchequer of the State or in damage to other public interest, the High Court before granting such relief is required to satisfy itself that the delay or laches on the part of a citizen or any other person in approaching for relief under Article 226 of the Constitution on the alleged violation of his legal right, was wholly justified in the facts and circumstances, instead of ignoring the same or leniently considering it. Thus, in our view, persons seeking relief against the State under Article 226 of the Constitution, be they citizens or otherwise, cannot get discretionary relief obtainable thereunder unless they fully satisfy the High Court that the facts and circumstances of the case clearly justified the laches or undue delay on their part in approaching the Court for grant of such discretionary relief. Therefore, where a High Court grants relief to a citizen or any other person under Article 226 of the Constitution against any person including the State without considering his blameworthy conduct,*

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such as laches or undue delay, acquiescence or waiver, the relief so granted becomes unsustainable even if the relief was granted in respect of alleged deprivation of his legal right by the State.

*[Emphasis supplied]*

30. The aforesaid observations being squarely applicable to the facts of this case, we find that the present Petitioners are not entitled to any relief. In the light of aforesaid facts and circumstances, we find that there is no merit in these petitions and the above writ petitions are dismissed. Rule is accordingly discharged. However, there shall be no order as to costs.

31. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[ M.M. SATHAYE, J.]

[ B. P. COLABAWALLA, J.]