

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3850 OF 2024

City and Industrial Development Corporation of
Maharashtra Ltd. .. Petitioner

Versus

The State of Maharashtra, Through Special Land
Acquisition Officer and Ors. .. Respondents

WITH

WRIT PETITION NO. 3851 OF 2024

City and Industrial Development Corporation of
Maharashtra Ltd. .. Petitioner

Versus

The State of Maharashtra, Through Special Land
Acquisition Officer and Ors. .. Respondents

WITH

WRIT PETITION NO. 3852 OF 2024

City and Industrial Development Corporation of
Maharashtra Ltd. .. Petitioner

Versus

The State of Maharashtra, Through Special Land
Acquisition Officer and Ors. .. Respondents

WITH

WRIT PETITION NO. 3853 OF 2024

City and Industrial Development Corporation of
Maharashtra Ltd. .. Petitioner

Versus

The State of Maharashtra, Through Special Land
Acquisition Officer and Ors. .. Respondents

AND

WRIT PETITION NO. 3854 OF 2024

City and Industrial Development Corporation of
Maharashtra Ltd. .. Petitioner

Versus

The State of Maharashtra, Through Special Land
Acquisition Officer and Ors.

.. Respondents

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- Mr. G.S. Hegde, Senior Advocate i/by Ms. P.M. Bhansali for the Petitioner – CIDCO.
 - Mr. Y.D. Patil, AGP for Respondent – State.
 - Mr. Sachin Punde a/w. Mr. Suraj Jadhav, Advocates for Respondent Nos.2.1 to 2.5, 3, 4.1 to 4.3 / Decree Holders.

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CORAM : MILIND N. JADHAV, J.

DATE : MAY 08, 2024.

P.C.:

1. Heard Mr. Hegde, learned Senior Advocate for Petitioner – CIDCO in all Writ Petitions; Mr. Patil, learned AGP for Respondent – State and Mr. Punde, learned Advocate for Respondents / Decree Holders.

2. Mr. Hegde has placed before me an interlocutory order dated 06.05.2024 passed in Writ Petition No.15652 of 2023 by the Division Bench of this Court in the Petition filed by CIDCO to challenge the Acquisition proceedings itself. As informed by the parties, challenge to the acquisition is filed by City and Industrial Development Corporation (CIDCO) in 2023. That challenge is pending before the Division Bench of this Court in the above Petition. It is seen that lands have been acquired as far back as in the year 1990 and pursuant to acquisition having been completed the challenge is now filed in the year 2023. Be that as it may, the said challenge will be decided on its own merits.

3. On reading the twin orders dated 14.03.2024 and 06.05.2024, it is seen that the Division Bench of this Court has made an indirect reference to the present proceedings pending before me emanating out of orders passed against CIDCO in execution proceedings. It is seen that private Respondents / claimants / owners whose lands have been acquired as far back in the year 1990 are the real sufferers. Their lands are acquired against their wishes under the power of eminent domain and acquisition stands completed in all respects. Compensation awarded under the award though has been fully paid, the enhanced compensation awarded by the Reference Court is not paid. Claimants have therefore filed execution proceedings. Attachment orders passed therein are challenged by CIDCO in the present Petitions. One of the ground raised is that challenge to the original acquisition proceedings is now filed in 2023. Infact this is the only ground. There is no stay order passed by the Division Bench in the Petition filed by CIDCO. State Government is delaying filing of Affidavit-in-Reply as informed by Mr. Punde and hence that Petition is being adjourned. 35 years have passed after initiation and completion of acquisition of the lands.

4. After reading the aforesaid twin orders placed before me, I will no doubt have to consider the request made by the Division Bench and adjourn the present Writ Petitions, which I will do.

5. However, I am pained to observe that Claimants / Owners whose lands have been acquired in 1990 are virtually at the mercy of the Acquiring Body i.e. CIDCO and the State Government in this case. Their apathy needs to be addressed by the Courts as the judicial Courts are the only bastion who can address these issues after this kind of delay as noted above.

6. Both the twin orders do not refer to any stay of the orders passed in execution proceedings which is also pointed out by Mr. Punde to me.

7. Be that as it may, at the request of Mr. Punde, a copy of this order is permitted to be placed before the Division Bench of this Court seized with hearing the challenge to the acquisition proceedings. Mr. Hegde renews his request to seek adjournment in the matters before me. I am also completely helpless in such a situation and therefore have no other option than to adjourn these matters to a date beyond the date fixed by the Division Bench of this Court despite Mr. Punde painstakingly urging the aforesaid facts before me. I am bound to respect the Division Bench orders as they are in respect of the same cause of action. Parties shall therefore inform the progress of the matter challenging the acquisition proceedings to this Court on the next adjourned date.

8. Hence, all Writ Petitions are adjourned to **26th June, 2024 at 10:30 a.m.** To be placed under the caption “**First on Board**”.

[MILIND N. JADHAV, J.]

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