

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

WRIT PETITION NO.3963 OF 2026

Ajay Shivchandra Tamboli and Others ... Petitioners
Versus
The State of Maharashtra and Others ... Respondents

VISHAL
SUBHASH
PAREKAR

Digitally signed by
VISHAL SUBHASH
PAREKAR
Date: 2026.04.27
14:51:19 +0530

Mr. Anil Ahuja, for the Petitioners
Mr. B.V. Samant, AGP a/w. Ms. M.S. Bane, AGP for the State.
Mr. Ashish Gabhale i/b. Jay & Co., for Respondent No. 4.

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

DATE : 27th APRIL, 2026

P.C. :

1. In the order dated 30th March, 2026, this Court had identified the issue being raised by the petitioners. The said order reads as follows:

“ Heard learned counsel for the petitioners.

2] The petitioners are aggrieved by the manner in which the respondent authorities are proceeding to acquire the land located at Survey No.5646 at Panchavati Gavthan, Nashik, which also consists of a structure belonging to the petitioners.

3] According to the petitioners, no effective hearing was granted on their specific objections, as per the statutory scheme under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act of 2013). It is also alleged that there is no report, as contemplated under section 15(2) of the said Act, and that without considering the genuine objections of the petitioners, in a hurried manner, notification was issued under section 19 of the said Act. It is further submitted that the adjoining survey Nos.5644 and 5645 are not being acquired, which indicates that the petitioners are being discriminated against, apart from the fact that there has been

violation of the mandate of law laid down by the Supreme Court in various judgements, including judgements in the cases of Kolkata Municipal Corporation and another vs. Bimal Kumar Shah and others, (2024) 10 SCC 533 and Dinesh and others etc. vs. State of Madhya Pradesh and others etc. [judgement and order dated 15.05.2024 passed in Civil Appeal arising out of Special Leave Petition (Civil) Nos. 28410 and 28414 of 2023].

4] It is further submitted that even as per the alignment of the proposed widening of road, only a very small portion of the land of the petitioners would be required and yet, the entire area of 16.70 sq. mtrs. of the same has been notified for acquisition. It is submitted that therefore, the actions of the respondents amount to violation of the constitutional right of the petitioners under Article 300A of the Constitution of India. The petitioners are praying for urgent ad-interim/interim relief.

5] Considering the serious allegations made in the present petition, we deem it appropriate that the respondents should file their reply affidavits at the earliest to clarify their stand, in the light of the specific allegations made in the petition. It is made clear that this Court shall consider the prayer for ad-interim/interim relief on the next date of listing.

6] Issue notice, returnable on 17.04.2026, to be taken up in the supplementary list.

7] The learned AGP waives notice on behalf of respondent Nos.1 to 3. Humdast granted for respondent No.4.

8] Respondents shall file their reply affidavits on or before 15.04.2026.”

2. On 17th April, 2024 this Court agreed to grant short adjournment to the respondents to file their reply affidavits, although the learned counsel for the petitioners was pressing for interim relief. The hearing was adjourned to today, making it clear that this Court may consider the prayer for interim relief even if the respondents failed to file their reply affidavits.

3. Even today reply affidavits could not be placed on record on behalf of

the respondents.

4. Learned counsel for the petitioners is pressing for interim relief.
5. In this scenario, the learned AGP on instructions makes a statement that till the next date award shall not be issued and coercive steps will not be taken against the petitioners.
6. The statement is recorded as an undertaking to the Court.
7. List for further consideration on 15th June, 2026 (HOB).
8. The respondents shall file their reply affidavits within three weeks from today.
9. The petitioners are at liberty to file rejoinder affidavit before the next date of listing.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)