

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5554 OF 2023

M/s. Eastern machinery & Trading Company,
Mumbai and Anr.

.. Petitioners

Vs.

Principal Secretary,
Govt. of Maharashtra, Urban Land Development,
Mantralaya, Mumbai and Ors.

.. Respondents

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Ms. Jai Kanade i/b. Mr. Shivraj Patne and Mr. Aditya Joshi, advocate for the petitioners.

Mr. M.P. Thakur, AGP for State–respondent Nos.1, 2, 4 to 6.

Mr. R.S. Apte, senior advocate i/b. Mr. Mandar Limaye, advocate for respondent no.3.

Mr. Saurish Shetye a/w. Mr. Shubham B.Choudhar, advocate for respondent no.7.

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CORAM : G.S. KULKARNI &
MANJUSHA DESHPANDE, JJ.

DATE : 3rd SEPTEMBER, 2025.

P.C. :

Assistant Director of Town Planning, Mr.Sangram Kanade has filed an affidavit on behalf of respondent no.3–Thane Municipal Corporation (for short “TMC”). In the light of what has been contended in paragraph 8, the stand of the TMC is that it is not possible for the TMC to pay monetary compensation, to acquire the land for the reservation in question. The statement appears to be quite drastic and having wide ramifications. We accordingly direct the Municipal Commissioner’s order of the TMC to take an appropriate position on the basis of materials to place an affidavit on record of this petition to state as to whether the financial position of the TMC is so precarious that it is

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impossible for the TMC to take forward the different reservations under qua Development Plan (DP) and undertake acquisition qua such reservations.

2. Let such clear affidavit on the basis of the audited financial statements of the TMC and clearly specify the times of the figures of the revenue which are being generated with the TMC for the last five years be placed on record. Apart from the revenue generation, the figures of different heads of expenditure including the major expenditures of the TMC be also set out, so that the over all view on the matter on the different reservations can be taken, so that the non-availability of the funds whether would enure to only qua the petitioner case or it would effect several other reservations in the city of Thane can be ascertained. The position either way would be quite drastic it cannot be that none of such reservations under the Development Plan (DP) then would be real, and/or the said reservations would be required to be held as ostensible or paper reservations depriving years to see that the valuable rights of the land owners guaranteed under Article 300A of the Constitution of India. This would also bring about a consequence that the public benefit intended to be conferred by these reservations is rendered illusory, resulting in a consequence that such lands then would never be acquired and public benefit never achieved, the TMC would face continuous pleas on lapsing of reservations.

3. Stand over to 17th September, 2025, to be listed on **First on Board**.

[MANJUSHA DESHPANDE, J.]

[G.S. KULKARNI, J.]