



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9319 OF 2022

Sudhakar Madhukar Patil and Ors .. Petitioners

V/S.

The Collector, Thane .. Respondent

Mr. Atul Damale, Senior Advocate with Prashant Patil, for Petitioners.

Mr. B.V. Samant, Addl. G.P. with M.S. Bane, AGP, for Respondent Nos. 1 to 3 and 6 and 7.

Mr. Ashotosh Kulkarni (VC) a/w Vipul Raut and Bhavna N., for Respondent Nos. 4 and 5. (CIDCO).

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

DATE : 18TH APRIL 2026.

PC:

1. Heard the learned Senior Counsel for the petitioners and learned AGP for respondent/State authorities as also learned counsel appearing for the City and Industrial Development Corporation i.e. CIDCO.

2. The petitioners claim to be the successors of one Madhukar Patil. It is stated that the said Madhukar Patil was a tenant in the subject land on the relevant date i.e. 01/04/1957 (Tillers date). He had initiated proceedings under the provisions of the Maharashtra Tenancy and Agricultural Lands Act, 1947. The said proceedings under 32(G) and 32(M) of the said Act culminated in a certificate being issued at



page 49 of the present petition, recognising him as a purchaser and owner of 1 acre and 22 ½ Gunthas of land in Survey No. 361 at Village Ghansoli, District-Thane.

3. It is stated that in consolidation proceedings the subject land became part of Gat No. 209, although it appears that due to some error, the name of the said predecessor of the petitioners was not specifically recorded as against the said Gat No. 209.

4. The respondent-State Authorities undertook land acquisition proceedings, culminating in an award dated 18/08/1986. It is the case of the petitioners that their predecessor pursued the matter and approached the authorities on the issue as to whether the subject land was acquired and compensation was determined. In the year 2001, the predecessor of the petitioners was informed that there was no record to indicate that the subject land had been acquired. It is claimed that thereafter the predecessor of the petitioners was pursuing the matter and subsequently the petitioners had approached the respondent Authorities.

5. Attention of this Court was invited to a response given by CIDCO to one of the petitioners herein, reiterating that no information was available with regard to the acquisition of the subject land with which the petitioners were concerned.

6. Learned Senior Counsel appearing for the petitioners relies upon the copies of the documents placed on record, including a communication dated 10/01/2022 addressed by the Deputy Collector (Land Acquisition) to the Chief Land and Measurement Officer of



CIDCO, stating that in the aforesaid award passed in the year 1986, the claimant was recorded as one Gangaram Balu Patil as his name appeared in the old 7/12 extract. In the context of the claim raised by the petitioners in the light of the certificate under 32(M) of the aforesaid Act issued in favour of the predecessor, it was indicated that although compensation appeared to have been disbursed to Gangaram Balu Patil, further benefit under 12.5% scheme of the CIDCO ought not to be given to the said person. On the basis of the aforesaid documents, it is claimed on behalf of the petitioners that there is no clarity even amongst the respondents as to whether the land, with which the petitioners are concerned, was acquired or not and, if it was acquired, what steps were taken for determination and disbursal of compensation in favour of the predecessor of the petitioners.

7. The learned AGP relies upon the affidavits placed on record to contend that the petitioners cannot be permitted to open an issue and raise a grievance with regard to the acquisition of land that culminated in the award as far back as in the year 1986.

8. It was submitted that the name of the predecessor of the petitioners does not appear to be recorded in pursuance of the consolidation proceedings and that, in any case, this Court in writ jurisdiction may not be able to consider and pronounce upon the grievance raised on behalf of the petitioners.

9. We have perused the contents of the affidavits in reply filed on behalf of the respondents. Amongst other aspects, it is brought to the notice of this Court that a reference bearing case No. 78 of 2023 under Section 30 of the Land Acquisition Act, 1894 is pending before the



Competent Civil Court at Belapur. The said proceeding is in respect of the very Gat No. 209 part, of village Ghansoli, District-Thane, wherein a person claiming to be successor of the original owner and successors of two other tenants i.e. Gangaram Balu Patil and Krishna Patil are parties. It is also stated that the said proceeding is pending before the said competent Civil Court.

10. Considering the nature of controversy raised on behalf of the petitioners, we are of the opinion that the fact finding will have to be undertaken, which would require evidence to be led and therefore, this Court exercising writ jurisdiction would not be able to consider the same and reach findings either way.

11. Faced with this situation, learned Senior Counsel appearing for the petitioners submitted that this Court may consider granting liberty to the petitioners to approach the aforesaid Civil Court at Belapur in the pending Reference case No. 78 of 2023 to stake their claim, particularly because the said proceeding concerns land from the very Gat No. 209 of village Ghansoli, District-Thane, in respect of which the petitioners are raising their claim.

12. We are of the opinion that the petitioners can be granted such an opportunity, subject to the petitioners satisfying the concerned Civil Court at Belapur in the pending reference proceeding with regard to their right to approach the said Court and to have their claim decided in accordance with law.

13. In view of the above, the Writ Petition is disposed of by permitting the petitioners to approach the Civil Court at Belapur in



pending Reference case No. 78 of 2023, so as to submit an application for consideration of their claim in accordance with law. This Court has not expressed any opinion on the merits of the matter.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)