

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9344 OF 2023

Navji Anaji Dere Since Decd. Thr Lrs .. Petitioners
and Ors

V/s.

The State of Maharashtra and Ors .. Respondents

Mr. Amol A. Gatne, for the Petitioners.

Ms. Tanu N. Bhatia, for Respondent Nos. 1 to 3 - State.

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

DATE : 16TH FEBRUARY 2026.

PC:

1. Heard learned counsel for the petitioners as also learned AGP for Respondent Nos. 1 to 3.

2. On 22nd January 2026, we had granted last opportunity to respondent authorities to give appropriate instructions to learned AGP and to respond to the petition.

3. Learned AGP submits that one of the reasons why the reply affidavit could not be placed on record is the fact that an order dated 23rd September 1982, passed by the Division Commissioner, Pune, was not traceable and therefore, the reply affidavit could not be placed on record.

4. We find that the petitioners in Paragraph 14 of the writ petition itself

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have referred to the said order and it is also specifically stated that since the order was passed in the context of their predecessor, they were unable to place their hands on the same and for the said reason, the copy of the order dated 23rd September 1982 passed by the Division Commissioner, Pune could not be filed along with the writ petition.

5. Nonetheless, the learned counsel for the petitioner referred to a series of communications addressed by the Officers of the respondent-State confirming the fact that decision had been taken to release the subject land in favor of the predecessor of the petitioners, upon the compensation amount of Rs. 13,496.75/- being deposited by the predecessor of the petitioners with the state treasury. These communications, copies which have been placed on record along with the writ petition sufficiently demonstrate that the decision had been taken to release the subject land upon deposit of the aforesaid amount. In fact, the letter dated 12th November 1982, sent by the Special Land Acquisition Officer, Pune addressed to the predecessor of the petitioners clearly stated that upon the aforesaid amount being deposited, the land would be released. The receipt of payment dated 12th November 1982, placed on record, shows that such an amount was indeed deposited with the Special Land Acquisition Officer, thereby satisfying the condition for release of the land.

6. Thereafter, repeated communications dated 7th December 1982

addressed by the Special Land Acquisition Officer to the Collector, 13th May 1987 sent by the Collector to the Rehabilitation Officer and other communications on record, including communication dated 13th October 2003 addressed by the Special Land Acquisition Officer, Pune, to the Collector and Deputy Director Rehabilitation, Pune, specifically indicate that the subject land was released in favor of the predecessor of the petitioners and that there was no doubt in the minds of the officers of the respondent-State, particularly in the light of the fact that amount of Rs. 13,496.75/- was deposited with this Special Land Acquisition Officer as far back as in November 1982.

7. In the light of the aforesaid documents placed on record, we are of the opinion that relief sought by the petitioners cannot be denied only on the ground that the respondents-State itself is unable to trace the order dated 23rd September 1982, passed by the Division Commissioner of Pune, in its records. The aforementioned communications addressed by the officials of the respondent-State refer to and rely on the said order and therefore, it would be a travesty that due to failure on the part of the respondents to lay their hands on the said order forming part of their record, the petitioners would be deprived of relief claimed in the writ petition.

8. Be that as it may, the writ petition cannot be disposed of until Respondent No. 4 is put to notice, for the reason that the subject land

appears to have been allotted to Respondent No. 4 as a project-affected person. In that view of the matter, issue notice to Respondent No. 4 for final disposal of the writ petition returnable on 12th March 2026, 'High on Board.'

9. Additionally, the petitioners are permitted to serve Respondent No. 4 by way of private service and to file an affidavit of service before the next date of listing. We have also taken note of the fact that the petitioners assert that they continue to be in possession of the subject land.

10. Since the hearing and disposal of this writ petition are being postponed for a future date, we are inclined to grant further time to respondent-State Authorities to file reply affidavit in the present petition.

11. Reply affidavit on behalf of respondents, including the State Authorities, shall be placed on record on or before 6th March 2026.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)