



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8576 OF 2021

Babasaheb Vithoba Darekar And Ors ...Petitioners

Versus

Collector Pune And Ors ...Respondents

Mr. Yuvraj Narvankar, Advocates for the Petitioner.

Mr. A.I. Patel, AGP a/w Mrs. M.S. Bane, AGP for Respondent Nos. 1 and 2/State.

Ms. Shraddha Dube Patil i/b Jay & Co., Advocates for Respondent No.3/MIDC.

CORAM : B. P. COLABAWALLA &
M.M. SATHAYE, JJ.

DATE : AUGUST 21, 2023

P. C.

1. The challenge to the acquisition of the Petitioners' land under Section 32 read with Section 33 of the Maharashtra Industrial Development Act, 1961 [for short 'the MIDC Act'] is in a very narrow compass. The first ground of challenge to the acquisition is that under Section 32(2) of the MIDC Act, not only notice has to be given to the concerned person whose land is being acquired, but an

opportunity of being heard also has to be afforded to the said person. According to the Petitioners, though notice under Section 32(2) of the MIDC Act was given to the Petitioners, no hearing was given and which would be fatal to the acquisition proceedings.

2. The next ground of challenge is that before determination of compensation is done under Section 33 of the MIDC Act, notice under Section 33(4) of the MIDC Act ought to be given to the person who is to be compensated. According to the Petitioners, no notice under Section 33(4) of the MIDC Act is given to the Petitioners before the determination of compensation. These are the two basic contentions that are raised in the present petition.

3. We find that these issues would have to be answered by the State. The State has not filed any reply in the above petition. We, therefore, direct the State to file an Affidavit-in-Reply dealing with these two issues within a period of two weeks from today and serve a copy of the same on the Advocate for the Petitioners. We make it clear that no further time shall be granted to the State, especially considering that time to file an affidavit-in-reply was already granted on 24.07.2023.

4. Stand over to 04.09.2023.

5. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[M.M. SATHAYE, J.]

[B. P. COLABAWALLA, J.]