



WRIT PETITION (L) NO. 14988 OF 2026

Mr. Mayur Khandeparkar a/w. Mr. Aditya Shiralkar, Mr. Nitesh Ranavat, Mr. M. Bagaria, Mr. Vedant Joshi i/b. Wadia Ghandy & Co., for Respondent No.8
Mr. Deepak Kombatkar, Sub. Engineer, BMC present.

DATE : 5th MAY, 2026

2. The petitioner- trust has approached this Court challenging a notification dated 3rd January, 1972, being a declaration under Section 6 of the Land Acquisition Act, 1894 (hereinafter referred as “LA Act”) for acquisition of the subject property located at CTS No. 437, Lower Parel, Mumbai admeasuring 7094 sq.mtrs. The petitioner trust has also challenged

Digitally
signed by
VISHAL
SUBHASH
PAREKAR
Date:
2026.05.06
18:31:03
+0530



the award dated 15th April, 1974. It is further claimed that the acquisition proceeding itself lapsed by operation of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred as “the Act, 2013”). On this basis, it is claimed that the petitioner trust is entitled for a declaration of being lawful owner of the subject property and for ancillary reliefs such as deletion of mutation entries in the property card etc.

3. The learned counsel for the petitioner trust submits that the present petition is filed in pursuance of liberty granted by this Court by an order dated 10th March, 2026 passed in Writ Petition No. 2279 of 2019. It is stated that the aforesaid petition was filed by one of the trustees of the trust who had no authority to file such petition. On this basis permission was sought for withdrawal of the petition with liberty to file a fresh petition on behalf of the petitioner trust.

4. The learned counsel for the petitioner trust contends that the entire acquisition proceedings stood vitiated as no notice was ever served upon the trust at the time of acquisition proceedings. It is claimed that neither possession of the property was taken nor the compensation paid. It is further submitted that the petitioner trust



continues to be in possession of the subject property.

5. It is further asserted on behalf of the petitioner trust that while the public purpose for which the subject property was acquired was housing for dis-housed, as on today the property is being developed by respondent Nos. 8 and 9 (the developers), contrary to the stated public purpose. On this basis, it is submitted that this Court may entertain the present petition and grant the reliefs claimed in prayer clauses (a) to (g).

6. The learned Advocate General has appeared on behalf of respondent No. 2 Municipal Corporation of Greater Mumbai (MCGM). The State authorities i.e. respondent Nos. 1, 3, 4 and 5 are represented by learned AGP. Respondent No. 6 SRA also represented by counsel and respondent Nos. 8 and 9 have also appeared through counsel.

7. Learned counsel for the respondents have vehemently opposed the present writ petition.

8. Learned Advocate General submits that few facts would demonstrate the frivolous nature of the petition. It is brought to the notice of this Court that the award was passed as far back on 15th April, 1974. The possession of the subject land was taken on 30th December,



1992. It is emphasized that in the earlier Writ Petition filed by one of the trustees, copy of the possession receipt was annexed and as a matter of fact one of the prayers in the Writ Petition was to put the trust back into possession of the subject property. Copy of the possession receipt was tendered for the perusal of this Court. It was further submitted that since the petitioner trust refused to accept the compensation in terms of the said award, on 17th December, 1992, the amount of compensation was deposited in Court as per section 30 of the LA Act. It is further brought to the notice of this Court that on the subject property transit camps were set up. Subsequently, they were demolished and at present further development work is being undertaken under the supervision of the Slum Rehabilitation Authority (SRA).

9. The learned Advocate General has tendered a copy of the earlier Writ Petition No. 2279 of 2019 filed by one of the trustees. It is highlighted that in paragraph 8 of the said petition, it was conceded that possession was taken on 30th December, 1992. In paragraph 11, a reference was made to the manner in which tenements were constructed on the subject property for transit camp. It was submitted that the aforesaid facts clearly show the mischievous nature of the present petition. The petitioner trust is now feigning ignorance about



the aforementioned position on facts. On this basis, it is submitted that the Writ Petition deserves to be dismissed.

10. The learned AGP for the State authorities and learned senior counsel for respondent No. 6 -SRA supported the contentions raised by the learned Advocate General.

11. We have considered the rival submissions. In the light of the facts brought to our notice with regard to the date of the award, the manner in which possession was taken as far back as on 30th December, 1992, and the fact that the amount of compensation was deposited in Court under section 30 of the LA Act, as far back as on 17th December, 1992, the present petition does not deserve consideration at all. There is no ground made out for challenging the declaration issued under section 6 of the LA Act issued on 3rd January, 1972 and the award passed on 15th April, 1974.

12. There is no question of lapsing of acquisition under section 24(2) of the Act, 2013. The Constitution Bench of the Supreme Court in the case of **Indore Development Authority vs. Manoharlal and Ors.**¹ has categorically held that twin conditions are required to be satisfied for lapsing of acquisition. It is held that if possession is not taken and

1 AIR 2020 SCC 1496.



compensation is also not paid, only then a situation of lapsing can arise. In the present case, we are satisfied that the possession was taken as far back as in 1992 and that compensation was duly deposited in the Court under section 30 of the LA Act, thereby demonstrating that there is no question of lapsing of acquisition.

13. We find that the present petition cannot be entertained and no case is made out for showing any indulgence to the petitioner trust. As a matter of fact, we find that the petitioner trust has indulged in suppression of facts from this Court and this is evident from the relevant portion of the earlier petition brought to our notice, particularly paragraphs 8 and 11 of Writ Petition No. 2279 of 2019.

14. No case is made out for even issuing notice in this petition and accordingly the petition is dismissed as such.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)