

Prasad Rajput
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

INTERIM APPLICATION (L) NO. 33467 OF 2024
IN
LAND ACQUISITION REFERENCE NO. 4 OF 2014

New Reveira Co-op. Hsg. Soc.

Applicant

.. (Orig. Respondent No.1)

IN THE MATTER BETWEEN:

The Special Land Acquisition
Officer MHADA

Orig. Applicant

Versus

New Reveira Co-op. Hsg. Soc. and Ors.

Respondents

.. (Orig. Claimants)

.....

- Mr. Sriram Kulkarni i/b Ms. Shakuntala Mudbidri a/w Ms. Sonia Miskin for Applicant - Society.
- Mr. Himanshu Takke, AGP, for State.
- Mr. R. Govilkar, Sr. Advocate a/w Mr. A.R. Varma and Mr. Ajay Talreja, Advocates for Acquiring Body.

.....

CORAM : MILIND N. JADHAV, J.

DATE : DECEMBER 06, 2024

P.C.:

1. Heard Mr. Kulkarni, learned Senior Advocate for Applicant-Society, Mr. Takke, learned AGP for State and Mr. Govlikar, learned Senior Advocate for Acquiring Body.

2. Interim Application (L) No. 33467 of 2024 has been filed in view of the directions contained in the Order dated 23rd August, 2023. With the able assistance of Mr. Kulkarni I have perused the order. Directions contained in Paragraph No. 5 of the said order regarding closure of Examination-in-Chief is sought to be recalled as pleaded in

the Interim Application. I have delineated the reasons in the said order in paragraph Nos. 6 and 7 for halting the cross-examination of Claimant's Witness No.1 and permitting the Applicant/Claimant-Society to file an appropriate Interim Application so that documents which were already placed on record by Claimant's Witness No.1 along with his Affidavit of documents which remained to be marked in evidence can be marked and exhibited.

3. Mr. Govilkar, learned Senior Advocate appearing for the Acquiring Body would submit that, service of the Interim Application was made on the Law Ministry's Office only yesterday and he has no instructions nor the copy of the Interim Application. Copy of the Interim Application is handed over to him by Mr. Kulkarni today in Court. He is directed to take instructions and file Affidavit-in-reply, if the acquiring body so desires. Let the Affidavit-in-reply be filed within a period of 4 weeks from today without fail so that on the next adjourned date proceedings in the reference Application can be continued. Considering the timeline in the present matter, Respondent-Acquiring Body is directed to file Affidavit-in-reply and not seek extension of time from Court. Interim Application shall be decided and disposed of on the next adjourned date in accordance with law.

4. Mr. Govilkar would submit that Acquiring Body desires to file its written statement in the Reference Proceedings. Today, the Court is

seized with the evidence of the Claimants. This is not a regular suit but a Land Acquisition Reference where the procedure adopted by this Court is different. It is only after the evidence of Claimant is completed, evidence of the Acquiring Body and the SLAO can be commenced in rebuttal. It shall always be open to the Acquiring Body and SLAO to rebut the evidence of the Claimants after completion of Claimants Evidence in accordance with law. It shall also be open to the Acquiring Body and the SLAO to lead appropriate evidence of its Valuer on any appropriate Government Officer to rebut the evidence on valuation of the Claimants in accordance with law. Needless to state that this is a conjoint reference under Section 18 for enhancement and under Section 30 for apportionment which is being heard together by the Court. Insofar as the issue of apportionment is concerned, it is strictly between the Claimants in the present reference and the same shall be decided in accordance with law. If the Acquiring Body desires to file any pleadings, it can file an appropriate Application with advance copy being served upon the other parties and seek orders from the Court.

5. Stand over to 17th January, 2025.

[MILIND N. JADHAV, J.]