



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1389 OF 2020

Roshan Shrikant Tandel ... Petitioner
Vs.
Commissioner-Konkan Division and others ... Respondents

Mr. Sachin Punde a/w. Ms. Deepa Punde for Petitioner.

Ms. P. M. J. Deshpande, AGP for Respondent Nos.1, 2 and 4.

Mr. Naushad Engineer a/w. Mr. Soham Bhalerao and Mr. Harshit Tyagi i/b. DSK
Legal for Respondent No.3-CIDCO.

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

Reserved on : **APRIL 06, 2026**

Pronounced on: **MAY 05, 2026**

JUDGEMENT : (*Per Justice Manish Pitale*)

. The petitioner in this petition contends that in the light of an admitted position on facts that the subject land located in Survey No.106/6 was never acquired and compensation was not paid, the respondents need to undertake steps for acquisition of the said land under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act of 2013). It is the case of the petitioner that even though notification under Section 4 of the Land Acquisition Act, 1894 (L.A. Act) and declaration under Section 6 thereof were issued in the context of the said land, for acquisition along with other pieces of land, award regarding the same was never declared; Compensation was not determined and possession was also not taken as per law. Therefore, the proceedings had clearly lapsed, requiring appropriate proceedings to be undertaken for acquisition in accordance with law.



2. The relevant sequence of events leading to filing of the present petition is that, on 24.09.1986, a notification was issued under Section 4 of the L.A. Act, notifying several pieces of land in Village Karave, Taluka and District Thane, for the public purpose of proposed 'New Town' to be known as 'Navi Mumbai'. The subject land was covered under the said notification. On 14.09.1987, declaration under Section 6 of the L.A. Act was issued, which referred to the subject land also. On 12.08.1988, notices were issued under Section 9 of the L.A. Act, notifying claims for compensation. The notice was served upon the mother of the petitioner. During the said period, the petitioner was a minor. The statement of the petitioner's mother was recorded on a printed form. Such statements were obtained from all the members of the family of the petitioner, whose lands were intended to be acquired.

3. On 31.08.1989, award was declared under Section 11 of the L.A. Act. In the award, there was no mention of the subject property in the valuation column and compensation for the said land was also not determined. In October 1989, notices under Section 12(2) of the L.A. Act were issued for receiving compensation. On 09.07.1990, possession receipt was executed. The documents show that while possession of the adjoining lands was taken, possession of the subject land was not taken by the respondent authorities.

4. It is the case of the petitioner that his mother was an illiterate person and when he attained majority and pursued the matter, information was obtained under the Right to Information Act, 2005. Such information revealed that beyond declaration under Section 6 of the L.A. Act, no action was taken in respect of the subject land situated in Survey No.106/6 and that, it was never made part of the aforesaid award dated 31.08.1989. The petitioner also approached the office of the City and Industrial Development Corporation, Maharashtra (CIDCO)



and it was confirmed that neither an award was declared in respect of the subject land nor any compensation was determined or paid. It is in this backdrop that the petitioner filed the present writ petition challenging the notification under Section 4 of the L.A. Act and the declaration under Section 6 thereof and also for a direction to the respondents to treat the said land as not having been acquired. The petitioner further claims the aforesaid direction to the respondents for acquiring the land under the Act of 2013.

5. Upon notice being issued in the writ petition, the respondent State authorities as well as the respondent CIDCO filed their reply affidavits. Although it was conceded that the documents on record did not show that the award determined compensation for the subject land and that, the possession receipt also did not cover the subject land, the reliefs claimed in the writ petition ought not to be granted for various reasons, including delay and laches.

6. Mr. Sachin Punde, learned counsel appearing for the petitioner submitted that the documents on record, as also the facts conceded on behalf of the respondent State authorities and the respondent CIDCO clearly made out a case in favour of the petitioner. It was submitted that once the petitioner had established that there was no acquisition of the subject piece of land in Survey No.106/6, although adjoining pieces of land were acquired and compensation was paid, the writ petition deserved to be allowed and the respondents ought to take steps in accordance with law for acquisition of the subject land and for payment of compensation. It was submitted that since the respondent CIDCO claimed that it had already demarcated plots on the subject land, the process of acquisition ought to be undertaken in accordance with law. The learned counsel for the petitioner relied upon Article 300-A of the Constitution of India.



7. On the aspect of delay and laches, attention of this Court was invited to judgements of the Supreme Court in the cases of *State of UP and others Vs. Manohar*, (2005) 2 SCC 126; *Sukh Dutt Ratra and another Vs. State of Himachal Pradesh and others*, (2022) 7 SCC 508 and *Tukaram Kana Joshi and others Vs. Maharashtra Industrial Development Corporation and others*, (2013) 1 SCC 353. It was submitted that in the present case, the respondents should not be permitted to take the shelter of the argument of delay and laches to deprive the petitioner of his rightful claim. Reliance was placed on judgement of the Supreme Court in the case of *Kolkata Municipal Corporation Vs. Bimal Kumar Shah*, (2024) 10 SCC 533 to submit that the Supreme Court had elaborated the position of law in respect of Article 300-A of the Constitution. In that regard, reliance was also placed on judgement of this Court in the case of *Rajeev Kumar Damodarprasad Bhadani and others Vs. Executive Engineer, Maharashtra State Electricity Distribution Company Limited and others*, 2024 SCC OnLine Bom 35. On the basis of the said position of law, it was submitted that the writ petition deserved to be allowed.

8. Mr. Naushad Engineer, learned senior counsel appearing for the respondent CIDCO submitted that the petitioner cannot be granted relief after decades as the award was declared as far back as on 31.08.1989. It was submitted that the writ petition was hit by delay and laches. A party like the petitioner herein cannot be permitted to take recourse to Section 24(2) of the Act of 2013 to claim lapsing of acquisition. Reliance was placed on judgement of the Supreme Court in the case of *Mahavir and others Vs. Union of India and another*, (2018) 3 SCC 588, to contend that such abuse of the process of law wherein parties approach the Court after decades, has to be prevented and that stale claims ought not to be allowed.



9. The learned Senior Counsel appearing for respondent CIDCO submitted that in the present case, the award, at worst, suffered from a computational error and that, it can be rectified by calculating compensation under the provisions of the L.A. Act. For this proposition, reliance was placed on order of this Court in the case of *Tukaram Balya Patil and another Vs. Deputy Collector, Land Acquisition and others* **(order dated 18.09.2025 passed in Writ Petition No.6470 of 2018)**. Reliance was also placed on judgement of this Court in the case of *Sumitra Shridhar Khane Vs. Deputy Collector and others*, **2025 SCC OnLine Bom 1747**, to contend that the compensation payable for the subject land could be calculated under the provisions of the L.A. Act and that the petitioner cannot claim relief under the Act of 2013.

10. It was emphasized that with passage of time, the respondent CIDCO had demarcated plots on the subject land. If the contentions raised on behalf of the petitioner are accepted, the subject land will have to be returned back, which cannot be contemplated. In this situation, the respondent CIDCO had even offered that interest @15% could be paid on the amount that would be calculated under the L.A. Act, further lease rent for the period @8% p.a. could be paid and that additionally developed land could be made available to the petitioner as per the scheme of the respondent CIDCO. It was submitted that the petitioner was not agreeable to such an offer, and therefore, the writ petition ought to be dismissed.

11. Ms. Deshpande, learned AGP appearing for the respondent State authorities i.e. respondent Nos.1, 2 and 4 supported the contentions raised on behalf of the respondent CIDCO and contended that the writ petition can be disposed of by directing compensation to be calculated under the provisions of the L.A. Act with other statutory benefits being granted to the petitioner.



12. We have considered the rival submissions in the light of the documents on record. The notification dated 24.09.1986 issued under Section 4 of the L.A. Act does show that the subject land in Survey No.106/6 along with other adjoining pieces of land, was proposed for acquisition. The declaration dated 14.09.1987 issued under Section 6 of the L.A. Act also shows the subject land. But, the award dated 31.08.1989 shows that while recording the area notified for acquisition, there is reference to the subject land admeasuring 280 sq.mtrs. in Survey No.106/6 against the name of the petitioner's mother, but in the body of the award computing the quantum of compensation, the subject land located in Survey No.106/6 is not mentioned. In the column pertaining to 'details of valuation', while survey numbers with areas under acquisition pertaining to adjoining pieces of land belonging to family members of the petitioner are mentioned, the subject land in Survey No.106/6 is conspicuous by its absence. It is also crucial to note that the *kabjepavti*, being the document signifying taking over of possession, also does not make any reference to the subject land in Survey No.106/6. The *kabjepavti* only shows pieces of land located in other survey numbers along with their respective areas having been taken over by the competent authority.

13. The reply affidavit filed on behalf of respondent Nos.1, 2 and 4 i.e. State authorities concedes as follows:-

“5. I say and submit that an Award under section 11 of Land Acquisition Act, 1894 bearing case no. 143, Award no. 282 of Rs. 1,57,624/- for area admeasuring 8670 sq.mtrs. was declared on 31/08/1989 in the name of Shri. Laxmibai Tukaram Patil and 5 others with respect to lands situated at Karave, Taluka-Dist. Thane by Special Land Acquisition Officer, Metro Centre 3, Thane. The lands S.No. 11/4, 105/3, 109/9, 106/3, 106/4, 106/6, 107/7, 107/7, 108/2, 113/3, 113/9 situated at Karave, Taluka-Dist. Thane are mentioned on page no. 1 of this Award. However, the land bearing S.No. 106/6 admeasuring 280 sq.mtr. is not mentioned on page no. 4 of the Award. I further submit that 280 sq. mtr. area of s.no. 106/6 is



not taken into consideration while calculating the compensation amount in the said Award. Hereto marked and annexed as Exhibit "3" is a copy of Award bearing case NO. 143 Award no. 282 dt. 31/08/1989.

6. I say and submit that after declaration of Award, Kabjepavti dtd. 09/07/1990 was made with respect to the said Award. However, the land bearing S.No. 106/6 admeasuring 280 sq.mtr. is not mentioned in the said Kabjepavti. The possession of remaining lands was handed over to the representative of CIDCO i.e. Respondent no.3 on 09/07/1990. Hereto marked and annexed as Exhibit "4" is a copy of Kabjepavti dtd. 09/07/1990."

14. The affidavit in reply of respondent No.3 CIDCO also concedes as follows:-

"6. Insofar as CIDCO is concerned, as per the records available with CIDCO, in the Award No.282 Unit case no.143 dated Nil, the writ land is mentioned on page no.1 of this Award. So also, the writ land does not find place in the possession receipt dated 09.07.1990."

15. The aforementioned admitted position on facts, makes it abundantly clear that insofar as the subject land admeasuring 280 mtrs. located in Survey No.106/6 is concerned, there is no land acquisition award, monetary compensation is not computed and there is nothing to show that possession of the subject land was taken in accordance with law.

16. Section 11A of the L.A. Act provides that the land acquisition award has to be declared within two years from the date of publication of declaration under Section 6 thereof and in case of failure to do so, the entire proceedings for acquisition lapse. In the present case, as regards the subject land, although there was indeed a declaration under Section 6 of the L.A. Act, no award was declared in respect of the same at all, much less within two years of such declaration. Thus, by operation of law i.e. Section 11A of the L.A. Act, the acquisition pertaining to the subject land itself lapsed. The declaration under Section 6 of the L.A.



Act was dated 14.09.1987 and therefore, on 13.09.1989, in the absence of the award being made in respect of the subject land, the acquisition itself lapsed by operation of law. In the facts of the present case, Section 24(2) of the Act of 2013 does not come into the picture, because no award was passed in respect of the subject land under the L.A. Act.

17. Once this conclusion is reached on the basis of admitted position on facts, the petitioner is clearly entitled to relief. We are unable to agree that the present case can be said to be a case of 'computational error' as sought to be projected on behalf of the respondent CIDCO. Reliance placed on behalf of the respondent CIDCO on the order of this Court in the case of **Tukaram Balya Patil and another Vs. Deputy Collector, Land Acquisition and others** (*supra*) is misplaced. In the said case, on facts, this Court found that the award in the said case clearly showed that entire 52 Gunthas 04 R was acquired by the State and possession thereof was taken. But, the award referred to 1 Acre 11 Gunthas and 12 R, which while converting, was erroneously recorded as 32 Gunthas 40 R instead of 52 Gunthas and 04 R. It is in such facts that this Court treated the said case as a case of computational error, further directing the authorities to calculate the remaining compensation under the L.A. Act. By contrast, in the present case, there is neither computation of compensation of any portion of the subject land nor is there disbursal of any amount and admittedly, there is nothing to show that possession of the subject land was taken in accordance with law. Therefore, the argument of 'computational error' raised on behalf of the respondent CIDCO is rejected.

18. We also find that the contention raised on behalf of the respondent CIDCO that if at all compensation is to be calculated, it should be under the provisions of the L.A. Act by placing reliance on judgement of this Court in the case of **Sumitra Shridhar Khane Vs. Deputy Collector**



and others (*supra*), as unsustainable. In the said case, this Court found that the landowner had voluntarily given possession in line with a voluntary affidavit executed by the landowner along with similarly situated other landowners and that the relief of compensation was sought after considerable period of time. In such peculiar circumstances, this Court directed that compensation be calculated under the provisions of the L.A. Act. As opposed to the said factual position, in the present case, it cannot be said that possession was voluntarily given, at any point of time. As a matter of fact, the *kabjepavti* admittedly does not show that possession of the subject land was taken in accordance with law. As noted hereinabove, monetary compensation was not determined or disbursed to the predecessor of the petitioner, and therefore, reliance on the said judgement on behalf of the respondent CIDCO can be of no assistance. In any case, in the said judgement, there is no reference to lapsing of the acquisition under Section 11A of the L.A. Act.

19. Much emphasis was placed on the aspect of delay and laches on the part of the respondents, claiming that the petitioner cannot be permitted to raise any grievance since the award in the present case was declared on 31.08.1989. This Court is of the opinion that the aspect of delay and laches pales into insignificance, in the light of the finding rendered hereinabove that by operation of law, the acquisition in respect of the subject land itself had lapsed under Section 11A of the L.A. Act. The lapsing itself was in the year 1989, and therefore, in such circumstances, the respondents cannot be permitted to take shelter on the ground of the delay and laches to avoid the contentions raised on behalf of the petitioner on merits. We have also noted that the respondents have conceded on facts, that as regards the subject land, no award was declared, compensation was never determined or disbursed and that there is nothing on record to show that possession was taken in accordance with law. Even otherwise, we find that the petitioner, at the



relevant time, was a minor and his mother was a widow. These factors cannot be ignored by the Writ Court while considering the aspect of delay and laches. We find substance in the contention of the petitioner that the law laid down by the Supreme Court in the cases of **State of UP and others Vs. Manohar (supra)**, **Sukh Dutt Ratra and another Vs. State of Himachal Pradesh and others (supra)** and **Tukaram Kana Joshi and others Vs. Maharashtra Industrial Development Corporation and others (supra)** inures to the benefit of the petitioner.

20. In the case of **Kolkata Municipal Corporation Vs. Bimal Kumar Shah (supra)**, the Supreme Court has elaborated in detail, the constitutional right guaranteed under Article 300-A of the Constitution. Various sub-rights therein have been identified. The relevant portion of the said judgement reads as follows:-

“30. What then are these sub-rights or strands of this swadeshi constitutional fabric constituting the right to property? Seven such sub-rights can be identified, albeit non-exhaustive. These are:

- (i) The duty of the State to inform the person that it intends to acquire his property — the right to notice,
- (ii) The duty of the State to hear objections to the acquisition — the right to be heard,
- (iii) The duty of the State to inform the person of its decision to acquire — the right to a reasoned decision,
- (vi) The duty of the State to demonstrate that the acquisition is for public purpose — the duty to acquire only for public purpose,
- (v) The duty of the State to retribute and rehabilitate — the right of restitution or fair compensation,
- (vi) The duty of the State to conduct the process of acquisition efficiently and within prescribed timelines of the proceedings — the right to an efficient and expeditious process, and
- (vii) The final conclusion of the proceedings leading to vesting — the right of conclusion.

31. These seven rights are foundational components of a law that is tune with Article 300-A, and the absence of one of



these or some of them would render the law susceptible to challenge. The judgment of this Court in *K.T. Plantation [K.T. Plantation (P) Ltd. v. State of Karnataka, (2011) 9 SCC 1 : (2011) 4 SCC (Civ) 414]* declares that the law envisaged under Article 300-A must be in line with the overarching principles of rule of law, and must be just, fair, and reasonable. It is, of course, precedentially sound to describe some of these sub-rights as “procedural”, a nomenclature that often tends to undermine the inherent worth of these safeguards. These seven sub-rights may be procedures, but they do constitute the real content of the right to property under Article 300-A, non-compliance of these will amount to violation of the right, being without the authority of law.”

21. The said position of law was followed by this Court in the case of **Rajeev Kumar Damodarprasad Bhadani and others Vs. Executive Engineer, Maharashtra State Electricity Distribution Company Limited and others** (*supra*). We also find that in the facts of the present case, it cannot be said that the petitioner was raising a stale claim and that the law laid down by the Supreme Court in the case of **Mahavir and others Vs. Union of India and another** (*supra*) would come in his way. Merely because the respondent No.3 CIDCO has, in the meantime, demarcated plots and developed the land, the petitioner cannot be deprived of his right guaranteed under Article 300-A of the Constitution, which states that no person shall be deprived of his property save by authority of law. In the facts of the present case, we find that there is no authority of law backing the stand taken by the respondents in respect of the petitioner and his predecessor being deprived of the subject land.

22. In view of the above, the writ petition is allowed by holding that the award dated 31.08.1989 did not cover acquisition of land, which is subject matter of present writ petition. The acquisition proceeding itself lapsed by operation of Section 11-A of the Act. As a result, the land may have to be returned back to the petitioner. But, at this stage, such a direction will lead to complications and it may be impractical. Consequently, the petitioner is entitled to determination and payment of



compensation under the provisions of the Act of 2013. Accordingly, the respondents are directed to take necessary steps for acquiring the subject land as per the provisions of the Act of 2013. The respondents shall initiate the process and complete the same, including disbursing compensation to the petitioner within a period of one year from today.

23. The writ petition is disposed of in above terms. Pending applications, if any, also stand disposed of.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)