IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2304 OF 2026

Rain Basera SRA CHS Limited …Petitioner
Versus
The State of Maharashtra and Others …Respondents

******

Mr. Mayur Khandeparkar a/w. Mr. Aditya Shirke, for the Petitioner.
Mr. Vikrant Parshurami, AGP, for the State-Respdt. Nos. 1 to 3.
Mr. Vikramji Garewal a/w. Ms. Disha Shetty i/b. Wadia Ghandy & Co., for Respondent No. 4.

VISHAL SUBHASH PAREKAR
Digitally signed by VISHAL SUBHASH PAREKAR
Date: 2026.07.08 18:05:12 +0530

******

CORAM : MANISH PITALE AND
SHREERAM V. SHIRSAT, JJ.

DATE : 7st JULY, 2026

ORDER (Per Shreeram Shirsat, J.)

1. By this petition, the petitioner, which is a Co-operative Housing Society, is seeking directions to the Respondent No.2 for rectifying/ correcting a typographical error that has crept in the Land Acquisition Gazette Notification dated 09.02.1973 and in the Land Acquisition Award dated 14.06.1975, wherein a land bearing CTS No. 611 is wrongly mentioned instead of CTS No. 699.

2. Heard Mr. Mayur Khandeparkar, learned counsel for the Petitioner, Mr. Vikramji Garewal, for Respondent No. 4 and Mr. Vikrant Parshurami, learned AGP, for the State.

3. The Ld. Counsel for the Petitioner submitted that, the property CTS No. 611 admeasuring 438.50 sq. meters is situated at Village-Malad (East), Taluka-Malad, District-Mumbai Suburban. The Ld. Counsel for the Petitioner further submitted that, on 19.03.1971, the Superintendent Engineer Road Development Department had requested the Additional Collector, Mumbai, Suburban District to initiate the process of acquisition of a private land for a project known as 'Goregaon-Mulund Link Road' and thereafter on 12.04.1971, the Additional Collector, Mumbai Suburban District, referred the matter pertaining to the acquisition of private land for the Goregaon-Mulund Link Road to the Special Land Acquisition Officer, Highway, for commencing the acquisition proceedings, pursuant to which a joint survey was carried out by the Deputy Engineer, Road Development and Land Surveyor, District Superintendent of Land Records, Mumbai Suburban. The Ld. Counsel further submitted that, it was during this survey that the land bearing CTS No. 699, was inadvertently recorded as CTS No. 611 by the concerned officers. He further submitted that in the year 1973, a notification was published under Section 126 of the Maharashtra Regional and Town Planning Act, 1966 (MRTP Act) read with Section 6 of Land Acquisition Act, 1894 by the State of

Maharashtra, in which the error recorded in the joint survey remained to be rectified and even in the said notification the CTS Number remained the same i.e. the CTS No. 611, Survey No. 266 (Part) admeasuring 5580 square meters came to be recorded instead of CTS No. 699 (Part), Survey No. 266 (Part) admeasuring 5580 sq. meters.

4. The Ld. Counsel further submitted that, in the year 1975, the Deputy Collector (Land Acquisition), Mumbai Suburban District passed the award and even in the said award, Land Bearing No CTS No. 699 came to be erroneously recorded as land bearing CTS No. 611. The Ld. Counsel further submitted that, City Survey Officer, No. 5, Mumbai vide its order dated 23.07.1997, had not included CTS No. 611 towards the acquisition proceedings for the Goregaon-Mulund Link Road.

5. The Ld. Counsel further submitted that on 31.07.2018, a corrigendum issued by the Chief Executive Officer, Slum Rehabilitation Authority, Land Bearing CTS No. 611 (Part) admeasuring in aggregate 294.46 square meters was declared as slum rehabilitation area under the provisions of Section 3C(1) of the Maharashtra Slum Area (Improvement, Clearance and Redevelopment) Act, 1971 pursuant to which, the Chief Executive

Officer, Slum Rehabilitation Authority, issued a notification declaring the Land bearing CTS No. 611 and admeasuring 144 sq. meters situated at Village Malad (East), Taluka Borivali as Slum Rehabilitation Area.

6. The Ld. Counsel submitted that due to the error that has crept in as a result of the incorrect recording of the CTS Number and for no fault of the Petitioner, the Petitioner had to face a serious hardship, as the CTS No. 611 admeasures only 438.50 square meters and not 5580 square meters and secondly, the land bearing CTS No. 611 corresponds to Survey No. 267 and not Survey No. 266. The Ld. Counsel further submitted that the land bearing CTS No. 611 is a landlocked property surrounded on all sides by other CTS Numbers and is entirely encroached by slum dwellers and the same could not have been a part of the acquisition of the Goregaon-Mulund Link Road.

7. The Ld. Counsel further submitted that, in the meantime, the petitioner along with other societies had submitted an application under Section 14(1) of the Maharashtra Slum Area (Improvement, Clearance and Redevelopment) Act, 1974 for acquisition of an area admeasuring area of 438.50 square meters of CTS No. 611. The Ld.

Counsel further submitted that in the year 2023, the Petitioner addressed a letter to Respondent No. 3, to delete the entry dated 22.07.1997, from the property card of CTS No. 611, of Village Malad as CTS No. 611 was never acquired for the Goregaon-Mulund Link Road and it was land bearing number CTS No. 699 which was acquired. In response to the said letter, the Respondent No. 3 informed the Petitioner that although the CTS No. 611 is wrongly recorded in the property card in view of the award, the said authority does not have the power to delete the entry and an appeal would be required to be filed before the Competent Authority.

8. The Ld. Counsel further submitted that an appeal under Section 247 of the Maharashtra Land Revenue Code, 1966 came to be preferred before the District Superintendent of Land Records, which came to be dismissed vide order dated 08.07.2025. It is further submitted by the Ld. Counsel for the Petitioner that thereafter several correspondences were entered into by the Petitioner with the duly appointed developer, i.e., Respondent No. 4 and other authorities seeking rectification of the error that had occurred in the said notification dated 09.02.1973 and in the award dated 14.06.1975 pertaining to CTS No. 611, however no response was received. The

Ld. Counsel further submitted that the Petitioner has also made a representation dated 23.07.2025 to the Respondent No. 2 which is still pending.

9. The Ld. Counsel further submitted, that on 09.03. 2026, the City Survey Officer, replying to letter dated 15.12.2025, addressed by the Respondent No. 2, Deputy Collector, Special Land Acquisition Officer No. 4, Highways, Mumbai Suburban District (SLAO) has stated that CTS No. 611 is wrongly mentioned instead of CTS NO.699 in the said award dated 14.06.1975. Hence, the Petitioner prayed that directions be issued to Respondent Nos. 1 and 2 to substitute CTS No. 699 in place of CTS No. 611 in the notification dated 09.02.1973 and the award dated 14.06.1975 and also to issue appropriate orders/corrigendum in relation to the said notification and award. The Ld. Counsel in the alternative prayed that directions be issued to Respondent No. 2 to expeditiously decide the representation dated 23.07.2025.

10. The Ld. Counsel for the Petitioner has also invited the attention of this Court to Exhibit-'P', which is the letter written by City Survey Officer, Malad to the Deputy Collector (Land Acquisition), Mumbai Suburban District, wherein it is admitted that the CTS No. 611 is

wrongly mentioned in the said award and in the said notification, instead of CTS No. 699 and that necessary rectification is required to be carried out. The relevant observation is quoted here-in-below:

> ''आता प्रस्तुत प्रकरणी इकडील मुळ आलेख व पुनर्विलोकन आलेख तसेच उपलब्ध धारीकेतील नकाशाचे आधारे असे दिसून येते की, संयुक्त भूसंपादन मोजणी नकाशात स.नं. २६६ पैकी नमुद करण्यात आलेला न.भू.क्र. ६११ हा चुकीचा दर्शविण्यात आल्याचे प्रथम दर्शनी दिसून येत आहे. त्यामुळे भूसंपादन क्षेत्राबाबत झालेला निवाडा व अधिसचूचना यामध्ये स.न. २६६ पैकी न.भू.क्र. ६११ ऐवजी न.भू.क्र ६९९ असे नमुद करणे आवश्यक आहे.''

11. The Ld. AGP has also not disputed the said position and upon perusal of Exhibit 'P' has submitted that there appears to be a *bona-fide* error on the part of the officers in recording it as CTS No. 611 instead of CTS No. 699. She further submitted that from the records it can be seen that CTS No. 611 is admeasuring 438.50 Sq. meters and corresponds with Survey No. 267 whereas CTS No. 699 corresponds with Survey No. 266 and therefore obviously there is an error. The Ld. AGP however submitted that in the Notification dated 09.02.1973, issued by the Respondent No. 1, necessary changes will have to be incorporated and although there is an error, which has permeated in the award dated 14.06.1975, once the award has been passed by Respondent No 2, it has become *functus officio* and therefore now the Respondent No. 2 has no power to make any changes once the award

is declared. The Ld. AGP therefore urged that this court may pass appropriate orders.

12. The question that would arise for the consideration is whether this Court in exercise of its jurisdiction under Article 226 of the Constitution of India, can rectify an error in the Notification and in the Award, which has inadvertently crept in and where the authorities after having issued a notification and having declared the award, have become *functus officio*.

13. We are of the opinion that the Petitioners cannot be left remediless. Upon perusal of the records and more specifically, the letter at Exhibit 'P' of the Petition, it appears to be a genuine and *bona-fide* mistake which has occurred purely on account of inadvertence or due to oversight. The Petitioner, due to such error, has already faced several hardships and therefore this Court under Article 226 of Constitution while exercising its extraordinary jurisdiction, can exercise the power to correct the obvious error which has inadvertently crept into the notification dated 09.02.1973 and subsequently been carried into the Land Acquisition award dated 14.06.1975.

14. The Ld. Counsel for the Petitioner has invited the attention of

this Court to the judgement of ***Smt. Sushila Shivram Patil & Ors. v. Deputy Collector (Land Acquisition) Metro Centre No.1, Uran & Anr*** in ***Writ Petition No. 1185 of 2023*** wherein it has been observed as under:

> "*8. Though the 1st Respondent may be justified in pleading the bar of limitation, the Petitioners cannot be left remediless. From the record, it is obvious that there is a clerical or typographical error. Ms Crasto, the learned AGP, on instructions, also did not dispute that this is a clerical or typographical error. She stated that the 1st Respondent could not correct this error only because of the bar of limitation in Section 13A of the Land Acquisition Act, 1984. She pointed out that even Section 33 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 empowers the Collector to correct clerical errors provided application for correction is made not later than six months from the date of the award.*
>
> *9. Considering the above position, and since the Petitioners cannot be left remediless, a case is made to exercise our extraordinary jurisdiction and direct the 1st Respondent to correct the obvious clerical error that has, perhaps inadvertently, crept into the award published on 10 January 2018 (at pages 17 to 23 of the paper book).*
>
> *10. Recently, in* ***Neha Shroff v. The State of Maharashtra [CIVIL Appeal No.5098/2025]****, the Hon'ble Supreme Court reminded that the Constitutional Court's powers cannot be fettered by any alternate remedy, and injustice, whenever and wherever it takes place, should be struck down as an anathema to the Rule of Law and the provisions of the Constitution. The petitioners cannot be deprived of the redetermined compensation based on an admitted and obvious error. This petition deserves to be allowed.*
>
> *11. The 1st Respondent must now substitute "11"*

> *with "112" in paragraph 5 of the award, which describes the acquired land. This exercise must be completed within six weeks from today, and the corrected award must be issued to the Petitioners within the same period. If any changes are to be made to the published award, the 1st Respondent must ensure that this is done within six weeks from today.*"

15. We are in agreement with the authority relied upon by the Ld. Counsel for the Petitioner.

16. In view of the above, the Petition is allowed. The Respondent No 1 shall now substitute CTS No. 699 in place of CTS No. 611 in the Notification dated 09.02.1973 and Respondent No. 2 shall substitute CTS No. 699 in place of CTS No. 611 in the Award dated 14.06.1975 and it be so read. The Respondent No. 3 shall delete Entry dated 22.07.1997 from the Revenue Records including the Property Register Card in respect of CTS No. 611 of Village Malad (East), Taluka Malad, District Mumbai Suburban. The directions issued above shall be complied within a period of 6 weeks from the date of the receipt of the order.

17. The Writ Petition stands disposed of in the above terms.

(SHREERAM V. SHIRSAT, J.) (MANISH PITALE, J.)