



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6353 OF 2012**

Bhalchandra Chintaman Deo & ors. ... Petitioners
vs.
The Special Land Acquisition Officer, Pune & ors. ... Respondents

Mr. Anil V. Anturkar, Senior Advocate, a/w. Mr. Ranjit D. Shinde and Mr. Kashish Chelani for petitioners.

Dr. Milind Sathe, Advocate General, a/w. Smt. S. D. Vyas, Addl. GP and Mr. Rajan S. Pawar, AGP for respondent No.1-SLAO.

Mr. Kedar B. Dighe for respondent No.2A-PCMC.

Mr. Milind M. Mahajan for respondent No.2B-PMRDA.

Mr. Nitesh Bhutekar a/w. Mr. Aaditya M. for respondent No.4.

Mr. Abhaykumar Apte for respondent No.7(a).

**CORAM : MANISH PITALE &
MANJUSHA DESHPANDE, JJ**

RESERVED ON : 23rd DECEMBER, 2025

PRONOUNCED ON: 09th MARCH, 2026

JUDGEMENT (Per Justice Manish Pitale):

. By this writ petition, the petitioners initially raised their claim for release of 25.39 acres of land belonging to them and acquired by the State, located in Survey No.210 in Village Wakad, Taluka Mulshi, District Pune, on the ground that while it was acquired for public purpose, it was subsequently being given to private parties. The petitioners also sought quashing of an advertisement notice issued in a newspaper by the original respondent No.2-Pimpri Chinchwad New Township Development Authority (hereinafter referred to as PCNTDA), whereby parts of the said land were put up for sale for residential, commercial and/or industrial purpose by granting leases of 99 years. The thrust of the contentions raised on behalf of the

petitioners was that giving away land to private parties, after acquiring the same ostensibly for public purpose, was in the teeth of law laid down by the Supreme Court in the case of *Royal Orchid Hotels Limited and another vs. G. Jayarama Reddy and others* (2011) 10 SCC 608.

2. After the respondents filed their reply affidavits, the petitioners applied for amending the writ petition and by an order dated 18.12.2023, this Court allowed the amendment, making it clear that this Court had not expressed any opinion on the merits of the issues added by way of amendment and that those would be decided when the writ petition was to be taken up for final hearing.

3. By the said amendment, the petitioners added certain paragraphs in the writ petition, to justify addition of respondent No.2A-Pimpri Chinchwad Municipal Corporation (hereinafter referred to as PCMC) and respondent No.2B-Pune Metropolitan Region Development Authority (hereinafter referred to as PMRDA). The petitioners also added instances of specific plots from the said land being given on lease of 99 years to specific third parties. The petitioners also gave details of the manner in which parts of the said land were transferred to respondent Nos.2A-PCMC and 2B-PMRDA. They also added reference to certain Government Resolutions (hereinafter referred to as GRs), concerning the policy of the respondent-State to allot 12.5% of the acquired land in the form of developed plots to owners, whose land has been acquired. Prayer clause (aa) was also added, claiming that the aforesaid entire land of 25.39 acres ought to be returned by respondent Nos.2A and 2B to the petitioners or they be directed to pay compensation along with interest, after calculating the same in accordance with the provisions

of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the Act of 2013). Prayer clause (aaa) was also added, seeking a direction to the respondents to grant benefit of the said GRs to the petitioners, which pertain to providing developed plots to land owners.

4. Before advertng to the rival submissions, it would be appropriate to refer to the chronology of events leading upto the present writ petition, so that the submissions can be appreciated in the proper perspective.

5. On 09.03.1970, a notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the LA Act) was issued and it was published in official gazette on 12.03.1970, for acquisition of land admeasuring 39 hectares 26 ares (97.01 acres) from Survey No.210 and land admeasuring 1 hectare and 23 ares (3.03 acres) from Survey No.211, both situated at Village Wakad, Taluka Mulshi, District Pune. This petition is concerned with 10.27 hectares (25.39 acres) of land from Survey No.210. The purpose of acquisition was for establishment of new town in Pimpri Chinchwad area.

6. On 16.03.1972, the State issued a notification under Section 113 of The Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as MRTP Act), designating original respondent No.2-PCNTDA as new town planning development authority. On 09.11.1972, a declaration was issued under Section 6 of the LA Act in respect of the subject land, published in the official gazette on 23.11.1972. The notification pertaining to the said

declaration recorded the public purpose as 'for the planned development and utilization of the said lands in the Pimpri Chinchwad New Township area and for industrial, commercial and residential area'.

7. On 23.09.1986, respondent No.1-SLAO passed an award in respect of the area of 59 hectares and 24 ares of land, which included the portion belonging to the petitioners and the total compensation was determined at ₹ 6,01,943. Notices were issued to the petitioners, under Section 12(2) of the LA Act, for receiving compensation. But, since the petitioners refused to accept the same, the amount of compensation was deposited in the Personal Ledger Account (hereinafter referred to as the PLA), which is a designated account in the Treasury.

8. Some of the petitioners filed Writ Petition No.3719 of 1987, challenging the acquisition of land. On 18.07.1989, this Court dismissed the writ petition. On 04.08.1989, the petitioners submitted an application under Section 48 of the LA Act for deletion of the said land from acquisition. In the meanwhile, the petitioners also filed review application in respect of dismissal of their Writ Petition No.3719 of 1987. On 08.09.1989, this Court dismissed the review application of the petitioners. Thereupon, the petitioners filed special leave petition, challenging the said orders passed by this Court, dismissing the writ petition as well as review application. It is an admitted position that the said SLP was withdrawn in the year 1989, with liberty for the petitioners to pursue their application submitted under Section 48 of the LA Act.

9. On 19.09.1989, the petitioners and other land owners submitted another application under Section 48 of the LA Act for deletion of their lands from acquisition. As the applications remained pending, the petitioners filed Writ Petition No.36 of 1990 in this Court, seeking a direction to the respondent-State to consider the said applications dated 04.08.1981 and 19.09.1989 submitted under Section 48 of the LA Act. On 12.01.1990, this Court disposed of the said writ Petition, granting liberty to the petitioners to submit an application complete in all respects, under Section 48 of the LA Act and a direction was issued to the Revenue Minister to pass an appropriate order on the said application. On 03.07.1992, the Revenue Minister granted hearing to the petitioners. On 07.07.1992, the Secretary of the respondent-State of Maharashtra passed an order releasing 76.17 acres of land from acquisition and under the said order, the petitioners were to handover the aforesaid area of 25.39 acres to the said respondent. The said order stipulated that no damages would be payable to the petitioners in respect of the said 25.39 acres of land. Thus, 76.17 acres of land was released from acquisition.

10. On 10.08.1992, the respondent-State stayed the effect of the aforesaid order dated 07.07.1992, whereby 76.17 acres of land was released from acquisition. Aggrieved by the same, the petitioners filed Writ Petition No.1116 of 1993 for quashing and setting aside of the stay order dated 10.08.1992. It is crucial to note that in the said writ petition, the petitioners specifically stated that it was agreed between the petitioners and respondents that for the purpose of acquiring 25.39 acres of the said land, the petitioners would not be entitled to any compensation. In the instant writ petition, although a reference is made to filing of Writ Petition No.1116 of 1993, neither

a copy of the same was annexed, nor was it brought to the notice of this Court that such a statement about agreement between the petitioners and respondents, had been made in the said writ petition.

11. On 23.03.1993, this Court passed an order in Writ Petition No.1116 of 1993 setting aside the said stay order dated 10.08.1992 and effectively restoring the order dated 07.07.1992, whereby 76.17 acres of land was released from acquisition and 25.39 acres of land was retained. It is an admitted position that on 26.11.1993, the Supreme Court dismissed Special Leave Petition No.10056 of 1993, challenging the said order dated 23.03.1993, passed in Writ Petition No.1116 of 1993, resulting in confirmation of the said order. In the meanwhile, on 25.10.1993, some of the land owners also belonging to the 'Deo family', like the petitioners herein, transferred part of the acquired land to Vishnudev Co-operative Housing Society (hereinafter referred to the said society). On 20.08.1994, the Divisional Commissioner of Pune passed a specific order deleting the said area of about 76.17 acres of land from acquisition and retained 10 hectares and 33 ares of land, including the aforesaid area of 25.39 acres of the petitioners with the respondent-State for the aforesaid public purpose, to be executed by the original respondent No.2-PCNTDA.

12. The said society, claiming to be the owners of the land admeasuring 10 hectares and 55 ares of land purchased from some members of the 'Deo family', filed Writ Petition No.3200 of 1994, seeking deletion of the said piece of land also from acquisition. This Court dismissed the said writ petition and on 10.02.1995, the Supreme Court dismissed Special Leave Petition (C) No.22907 of 1994, thereby confirming the said order dated 07.09.1994, dismissing the writ petition of the said society.

13. On 30.05.2000, the SLAO took possession of the land admeasuring 10 hectares and 33 ares from Survey No.210, including 25.39 acres of land belonging to the petitioners and a *panchanama* was executed. The possession was taken in presence of two of the petitioners herein i.e. petitioner No.1-Bhalchandra Chintaman Deo and petitioner No.10-Chandrakant Gajanan Deo. In this backdrop, on 20.01.2004, the said society filed an application for release of 10 hectares and 55 ares of land, claiming to be owners thereof, under Section 48 of the LA Act. It is claimed that the Revenue Minister passed an order dated 10.06.2004, releasing the aforesaid land from acquisition, although the said order was not issued or communicated. In this backdrop, in the year 2006, the said society filed Writ Petition No.5783 of 2006, seeking enforcement of the aforesaid 'order' of the Revenue Minister. Before this writ petition was filed by the said society, the respondent No.1-SLAO, on 08.11.2005, handed over possession of the retained land to PCNTDA, admeasuring 10 hectares and 33 ares, including 25.39 ares of land of the petitioners. During the pendency of the said Writ Petition No.5783 of 2006 filed by the said society, the original respondent No.2-PCNTDA executed lease deeds in favour of various entities in the year 2011, in terms of the scheme for new town development, which was the public purpose for which the land was acquired. On 24.05.2012, PCNTDA published the aforesaid advertisement in a newspaper for granting the land on lease for planned development of the new township, as per the public purpose.

14. It is in this backdrop that on 04.07.2012, the petitioners filed the present writ petition, originally for the relief, as noted hereinabove, for release of 25.39 acres of land from acquisition, on

the ground that it was not being utilized for the ostensible public purpose, but it was being given away to private parties. The original respondent No.2-PCNTDA filed its reply affidavit to which the petitioners filed their rejoinder affidavit and thereupon, the said respondent filed its sur-rejoinder affidavit. At this stage, the Act of 2013 came into force with effect from 01.01.2014.

15. On 28.02.2017, this Court allowed the aforesaid Writ Petition No.5783 of 2006 filed by the said society and directed the State to comply with the 'order' of the Revenue Minister passed on 10.06.2004 and consequently, to issue notification for release of another 10 hectares and 55 ares of land from acquisition.

16. Aggrieved by the said judgment and order of this Court, the original respondent No.2-PCNTDA filed Special Leave Petition (C) No.20188 of 2017. The Supreme Court granted leave in the said leave petition. As a consequence, it was converted in Civil Appeal No.764 of 2018. By judgment and order dated 03.08.2018, the Supreme Court allowed the appeal of PCNTDA and set aside the order of this Court dated 28.02.2017 passed in Writ Petition No.5783 of 2006. The said judgment and order of the Supreme Court is reported in *(2018) 8 SCC 215 (Pimpri Chinchwad New Township Development Authority vs. Vishnudev Co-operative Housing Society and others)*. Certain observations made in the said judgment are heavily relied upon by the respondents to resist the present writ petition.

17. On 06.03.2020, a Constitution Bench of the Supreme Court passed judgment and order in the case of *Indore Development Authority vs. Manoharlal and others (2020) 8 SCC 129*. Since the

rival parties have referred to and relied upon various portions of the said judgment, the same is also relevant for the present case.

18. On 07.06.2021, the respondent-State issued a notification, dissolving the original respondent No.2-PCNTDA and the lands were consequently transferred to respondent Nos.2A-PCMC and 2B-PMRDA. On 18.12.2023, this Court allowed the aforementioned amendment application moved by the petitioners, thereby adding PCMC and PMRDA as respondent Nos.2A and 2B respectively, with paragraph Nos.16A to 16D being added in writ petition along with prayer clauses (aa) and (aaa).

19. On 13.12.2024, the respondent No.1-SLAO filed affidavit-in-reply, stating that the petitioners had refused to accept compensation, after notices were issued under Section 12(2) of the LA Act, as a consequence of which the amount of compensation had to be deposited in the PLA. On 15.01.2025, respondent No.2A filed its reply affidavit. It is in this backdrop that the writ petition was taken up for hearing.

20. Mr. Anil Anturkar, learned senior counsel appearing for the petitioners submitted that the aforesaid land admeasuring 25.39 acres land retained by the respondents, has not been utilized for public purpose and that it has been diverted towards catering to the interests of private parties. On this basis, it was submitted that in terms of the law laid down by the Supreme Court in the case of **Royal Orchid Hotels Limited and another vs. G. Jayarama Reddy and others** (*supra*), the acts undertaken by the respondents amount to a fraud on statute and therefore, the said piece of land ought to be returned to the petitioners. In this context, reference was made to the lease

deeds of 99 years, executed by the original respondent No.2-PCNTDA in favour of various private parties. It was asserted that the public purpose of 'District Commercial Centre' was completely ignored, while plots demarcated from the said piece of land were made over to private parties. On this basis, it was submitted that the petition deserves to be allowed and the land ought to be returned to the petitioners. It was sought to be indicated that in pursuance of such lease deeds, since the third parties were already in possession, the petitioners can enter into the shoes of the lessor and the unutilized land can be made over to the petitioners.

21. It was submitted that the petitioners also deserve the benefit of policy of the respondent-State under GRs dated 03.03.1990 and 15.09.1993 for allotment of 12.5% of said land admeasuring 25.39 acres in the form of developed plots. This would ensure that justice is done to the petitioners, who have been illegally deprived of their land, without payment of any compensation.

22. It was further submitted that in the present case, the admitted position on record is that the petitioners have not been paid compensation at all for acquisition of 25.39 acres of land and that releasing 76.17 acres of land from acquisition, cannot amount to compensating the petitioners for deprivation of 25.39 acres of land. It was submitted that if the stand taken by the respondents is accepted, it would lead to drastic consequences, thereby demonstrating that the constitutional right of the petitioners under Section 300A of the Constitution of India, stands violated.

23. It was further submitted that the petitioners are clearly entitled to benefit of proviso to Section 24(2) of the Act of 2013. It stipulates

that when an award has been made under the LA Act, but compensation has not been deposited in the account of the beneficiaries like the petitioners, who are owners of the majority of the land holdings (in terms of area), all the beneficiaries specified in the notification for acquisition under Section 4 of the LA Act, are entitled for compensation in terms of the provisions of Act of 2013. In this context, reliance was placed on the Constitution Bench judgment of the Supreme Court in the case of **Indore Development Authority vs. Manoharlal and others** (*supra*). The learned counsel for the petitioners submitted that the Supreme Court had accepted deposit of compensation in PLA or in the Treasury as compliance with law, only in the context of States where such Rules had been framed by the concerned legislature under the LA Act. It was submitted that in the State of Maharashtra, no such Rules have been framed and therefore, the amount of compensation was required to be deposited in the 'Court', which admittedly was not done in the present case.

24. In support of the said contention that the law laid down in this context in the said Constitution Bench judgment in the case of **Indore Development Authority vs. Manoharlal and others** (*supra*), does not apply to the State of Maharashtra, reliance was placed on the judgments of this Court in the case of *Hemantkumar Krushnaji Charegaonkar vs. State of Maharashtra and others* (judgment and order dated 02.03.2022 passed in Writ Petition No.10390 of 2018), *Shital Anna Walawade and others vs. State of Maharashtra and others* (2023 SCC OnLine Bom 128) and *Geeta Vijay Deshpande and others vs. State of Maharashtra and others* (judgment and order dated 10.01.2025 passed in Writ Petition No.3214 of 2019). It was submitted that therefore, the proviso to Section 24(2) of the Act of

2013, clearly applies to the the facts and circumstances of the present case.

25. Much emphasis was placed on the stand taken by the respondent No.1-SLAO about the compensation amount being deposited in PLA. It was submitted that in these circumstances, the respondents could not be allowed to take the stand that releasing 76.17 acres of land from acquisition, on an agreement with the petitioners that they would not be entitled to compensation for the retained land to the extent of 25.39 acres, ought not to be accepted. It was submitted that the petitioners cannot be said to have waived their constitutional right and that there was no substance in the argument of the respondents that since the aforesaid prayer for granting compensation, as per the provisions of the Act of 2013, was added by way of amendment only in the year 2023, it was hit by delay and laches. Reliance was placed on judgment of the Supreme Court in the case of *Sukh Dutt Ratra and another vs. State of Himachal Pradesh and others* (2022) 7 SCC 508, to contend that the State cannot evade its responsibility to pay compensation for acquiring private property, on the ground of delay or laches, as valuable right under Article 300A of the Constitution of India, is involved. It was further submitted that there were sufficient pleadings in the writ petition for the petitioners to invoke proviso to Section 24(2) of the Act of 2013. It was emphatically stated in the original unamended writ petition itself that the petitioners had not received even a *paisa* for acquisition of 25.39 acres of their land.

26. In the context of failure on the part of the petitioners in placing on record the memo of Writ Petition No.1116 of 1993 and allegation of suppression against the petitioners, as sought to be

highlighted by the respondents, it was submitted that the same cannot inure to the benefit of the respondents, for the simple reason that in the reply affidavits, the respondents did not advert to the same. It was emphasized that the petitioners had specifically referred to the said writ petition and the order passed therein by this Court and even a copy of the order was annexed. Even if it is to be stated that for completeness, the memo of the said writ petition should have been placed on record, that in itself cannot be a ground to hold against the petitioners. It is submitted that even if the statement made in paragraph No.6 of the said writ petition is taken into account, it would not result in waiver of the constitutional right of the petitioners, under Article 300A of the Constitution of India.

27. It was submitted that the emphasis placed on behalf of respondents on the judgment of the Supreme Court in the case of **Pimpri Chinchwad New Township Development Authority vs. Vishnudev Co-operative Housing Society and others** (*supra*), was misplaced as the said judgment was delivered in the context of the plea of the said society for release of further land from acquisition. It is in the context of the controversy arising in the said matter that the Supreme Court had used the word 'bargain' about the petitioners enjoying release of 76.17 acres of land, while consenting to acquisition of 25.39 acres of land. The bargain was in the context of release of land, but the same did not mean that the petitioners had given up their right to payment of compensation for 25.39 acres of land actually retained and acquired by the respondents.

28. As regards the allegation that the petitioners had sold their land to the said society, it was submitted that the petitioners did not sell their land at all. It was some other members of the said 'Deo

family', who had sold the land. In this regard, it was submitted that the petitioners are ready to place an affidavit on record and hence, the contentions raised on behalf of the respondents in that context, are wholly unsustainable.

29. On the basis of the aforesaid submissions, it was vehemently contended that the petition deserves to be allowed, so that the petitioners are appropriately compensated for acquisition of their land admeasuring 25.39 acres and that the objections raised on behalf of the respondents, deserve to be rejected.

30. On the other hand, Dr. Milind Sathe, learned Advocate General appearing for respondent No.1 - State and respondent No.2B - PMRDA submitted that the instant petition, in its original form, sought relief only on the basis of the law laid down by the Supreme Court in the case of **Royal Orchid Hotels Limited and another Vs. G. Jayarama Reddy** (*supra*). The whole emphasis in the writ petition, as it was originally filed by the petitioners, was on the claim that, while the aforesaid land admeasuring 25.39 acres was retained for acquisition by the respondents for the public purpose of 'District Commercial Centre', it was actually given into private hands, thereby committing a fraud on the Statute. The learned Advocate General submitted that the said stand is wholly misplaced, for the reason that the acquisition was initiated for the entire larger piece of land in the year 1970 for the stated public purpose of 'planned development and utilization of lands for Pimpri-Chinchwad New Township Area and for Industrial, Commercial and Residential Areas'. The utilization of the said 25.39 acres of land has been strictly in consonance with the said public purpose and that, misleading statements were made in the petition to claim the benefit of the law laid down by the Supreme

Court in the case of **Royal Orchid Hotels Limited and another Vs. G. Jayarama Reddy** (*supra*). It was submitted that the lease deeds of 99 years were executed in favour of various parties by the respondent No.2 - PCNTDA and now the respondent No.2B - PMRDA.

31. It was submitted that even if the said piece of land was to be utilized for a different public purpose, it would still be in accordance with law as per the position of law clarified by the Supreme Court in various judgements, including **Municipal Corporation of Greater Bombay Vs. Industrial Development & Investment Company Private Limited and others**, (1996) 11 SCC 501. It was further submitted that as per the settled law recognized by the Supreme Court, even if some portion of such land remained unutilized for the public purpose, the expropriated owner cannot insist on restoration of land. The said position of law laid down by the Supreme Court in the cases of **Gulam Mustafa and others Vs. State of Maharashtra and others**, (1976) 1 SCC 800, **State of Kerala and others Vs. M. Bhaskaran Pillai**, (1997) 5 SCC 432 and **Tulsi Cooperative Housing Society, Hyderabad and others Vs. State of Andhra Pradesh and others**, 2000 (1) SCC 533, has been followed by this Court in a number of judgments, including in the case of **Raghunath Abajirao Shinde (Lt. Co.) and others Vs. State of Maharashtra and others**, (2003) SCC OnLine Bom 53. It is specifically laid down in the said judgments that in such situations, the State must sell the land through public auction and not restore it to the expropriated owner. On this basis, it was submitted that the main thrust of the petition, as it was originally filed, claimed relief in the teeth of the said position of law and hence, it cannot be granted.

32. It was further submitted that by amending the petition in terms of order dated 18.12.2023, for the first time, the petitioners introduced prayer clause (aa). The first part of the said prayer clause pertained to the claim that since the said land admeasuring 25.39 acres was not utilized for the stated public purpose, it ought to be returned to the petitioners. But, the second part, for the first time, introduced the relief of payment of monetary compensation along with interest under the provisions of the Act of 2013 for the said land of 25.39 acres. It was submitted that although the aforesaid prayer clause (aa) was introduced by way of amendment, not a word was added in the substantive part of the petition for introducing any factual basis or pleadings to claim such monetary compensation. It was asserted that the introduction of the said claim in prayer clause (aa) on 18.12.2023 was 37 years after acquisition of the land and 31 years after the order dated 07.07.1992 was passed under Section 48 of the LA Act. On this basis, it was submitted that the petitioners cannot be granted relief of monetary compensation for 25.39 acres of land.

33. Apart from this, it was submitted that the petitioners have played hide and seek with this Court and they have indulged in suppression. While the instant petition did refer to Writ Petition No.1116 of 1993 filed by them and the order dated 23.03.1993 disposing of the same, deliberately, memo of the said writ petition was not placed on record. Hence, it was produced during the course of arguments and the contents of the said writ petition were not denied by the petitioners. In paragraph 6 of the said Writ Petition No.1116 of 1993, these very petitioners had clearly stated that it was agreed between them and the respondent authorities that for the purpose of acquiring 25.39 acres, the petitioners would not be

entitled to any compensation. Having suppressed this crucial aspect of the matter, the petitioners having come with unclean hands before the writ court, the instant petition deserves to be dismissed on this ground alone.

34. The learned Advocate General further placed reliance on the aforesaid judgement of the Supreme Court in the case of **Pimpri Chinchwad New Township Development Authority Vs. Vishnudev Cooperative Housing Society and others** (*supra*). He submitted that, in all fairness, the petitioners ought to have brought the said judgment to the notice of this Court as certain observations made therein do have a bearing on the issues arising in this petition. By referring to the said judgment, it was emphasized that possession of 25.39 acres of land was taken on 30.05.2000 in the presence of petitioner Nos.1 and 10 in this petition. This being established, there was no question of lapsing of acquisition under Section 24(2) of the Act of 2013 as per the law laid down by the Supreme Court in the case of **Indore Development Authority Vs. Manoharlal and others** (*supra*). On this basis, it was submitted that the contentions raised on behalf of the petitioners about absence of rules being framed under the LA Act in Maharashtra and to that extent, the aforesaid Constitution Bench judgment in the case of **Indore Development Authority Vs. Manoharlal and others** (*supra*) not being applicable, are not required to be considered at all. It was submitted that even if some other members of the 'Deo family' had sold part of the land to the said society, the petitioners could not feign ignorance about the litigation initiated by the said society, which culminated in the said judgement of the Supreme Court in the case of **Pimpri Chinchwad New Township Development Authority Vs. Vishnudev Cooperative Housing Society and others** (*supra*). Hence, this is also another

instance of suppression of relevant facts by the petitioners from this Court.

35. It was further submitted that in the present case, since the land acquisition award was admittedly passed on 23.09.1986, this case is covered under Section 24(1)(b) of the Act of 2013 and further proceedings, if any, are required to be continued as if the LA Act has not been repealed. In such a situation, there was no question of applicability of Section 24(2) of the Act 2013 and hence, the submissions made on the basis of proviso to Section 24(2) thereof do not deserve any consideration. In any case, it was submitted that there is no factual basis in the writ petition or any material placed on record by the petitioners to claim that compensation was not deposited in the account of the beneficiaries, who were majority landholders, concerning the said piece of land. On this basis, it was submitted that the petition does not deserve any consideration.

36. A further submission was made by referring to one of the findings rendered in the said judgment of **Pimpri Chinchwad New Township Development Authority Vs. Vishnudev Cooperative Housing Society and others** (*supra*) by the Supreme Court, recording that the landowners had entered into a 'bargain' and they had agreed not to claim compensation for the said 25.39 acres of land. It was submitted that 76.17 acres of land was released and this was after the acquisition award for the entire land had been made. It is also an admitted position that the possession of the land was taken in the presence of some of the petitioners herein on 30.05.2000. Thereafter, the land has been utilized for the stated public purpose of developing new township at Pimpri-Chinchwad and therefore, it cannot lie in the mouth of the petitioners that they are entitled to turn around and

claim monetary compensation for 25.39 acres of land. On this basis, it was submitted that the petition deserves to be dismissed.

37. Mr. Kedar Dighe, learned counsel appearing on behalf of respondent No.2A - PCMC, supported the contentions raised by the learned Advocate General and specifically emphasized upon the fact that the petitioners had suppressed vital facts from this Court and misleading statements were made. It was submitted that on this ground alone, the petition deserves to be dismissed. The claim of the petitioners that certain portion of 25.39 acres of land is still vacant and unutilized was stoutly denied on behalf of respondent No.2A - PCMC. It was further submitted that the petitioners, having refused to respond to the notices sent under Section 12(2) of the LA Act, due to which the amounts had to be deposited in PLA, cannot turn around and put the blame on the respondent - authorities for the alleged non-payment of compensation.

38. It was submitted that the said 25.39 acres of land has been utilized for the stated public purpose and as on today, there are various third parties in possession thereof with industrial, commercial and residential layouts and structures constructed on plots. These developments cannot be ignored while considering the present writ petition. In this regard, reliance was placed on judgment of the Supreme Court in the case of *Madhya Pradesh Housing and Infrastructure Development Board and another Vs. Vijay Bodana and others* (judgement and order dated 04.03.2020 passed in Civil Appeal No.1998 of 2020). It was submitted that the petitioners, who have suppressed vital facts from this Court and have chosen to raise claims for return of land for the first time in the year 2012 and much later by amendment in the year 2023, the claim for monetary

compensation has been raised, ought not to be permitted to undo what has been done for the stated public purpose of establishing new township at Pimpri-Chinchwad with industrial, commercial and residential layouts. On this basis, it was submitted that the petition deserves to be dismissed.

39. As noted at the outset, the petitioners originally came before this Court in the present writ petition with a specific relief for return of 25.39 acres of land on the ground that it was not utilized for the stated public purpose and that it had been given into private hands. Thereupon, the petition was amended to add further claim of monetary compensation for the aforesaid piece of land, on the ground that it stood acquired without any compensation being paid to the petitioners. These two aspects will have to be dealt with separately.

40. The first aspect pertains to the allegation that while the said 25.39 acres of land was acquired for the purpose of 'District Commercial Centre', eventually, it was given away to private hands in the form of leases being executed in favour of private parties.

41. This Court has perused the documents and material brought on record on behalf of the parties. It is an undisputed position that the public purpose for which the acquisition was initiated in the year 1970 and which culminated in the land acquisition award dated 23.09.1986 shows that the stated public purpose was 'for the planned development and utilization of the said land in the Pimpri-Chinchwad New Township Area and for Industrial, Commercial and Residential Area'.

42. Thus, the stated public purpose was establishment of new township in Pimpri-Chinchwad Area consisting of industrial, commercial and residential areas. The petitioners have claimed in the petition that execution of lease agreements by the respondent No.2 - PCNTDA in favour of private parties, including respondent Nos.3 and 4, for periods of 99 years, was against the stated public purpose. The said contention of the petitioners is based on the assertion that while the said piece of land of 25.39 acres was acquired for the ostensible public purpose of establishing a District Commercial Centre, such lease agreements were executed, resulting in residential user of the land.

43. We find that in the writ petition, the petitioners have not specifically stated the aforementioned public purpose for which the acquisition was initiated as far back as in the year 1970, culminating in the award dated 23.09.1986. On a proper reading of the stated public purpose, we do not find anything amiss in the respondent No.2 - PCNTDA and subsequently its successors respondent No.2A - PCMC and respondent No.2B - PMRDA, utilizing the said land for various layouts including layouts for residential purposes as this was in furtherance of establishment of new township area in Pimpri-Chinchwad. This is not a case where the land was acquired at the behest of private parties and upon acquisition, such private parties have unlawfully gained at the expense of the original landowners. In the case of **Royal Orchid Hotels Limited and another Vs. G. Jayarama Reddy** (*supra*), the Supreme Court found, as a matter of fact, that while the acquisition was ostensibly for public purpose, private interests were catered to and that the whole exercise was undertaken by the State authorities to further the interest of such private parties. In such a factual background, it was found that the acquisition was a

fraud on the Statute and hence, it was quashed. The facts in the present case are clearly distinguishable and the respondents - State as well as other authorities have been able to demonstrate that the public purpose was 'establishment of new township area in Pimpri-Chinchwad' and that the said land of 25.39 acres has been utilized for the said purpose. While establishing the new township, the respondent No.2 - PCNTDA and respondent No.2A - PCMC as also respondent No.2B - PMRDA were well within their rights to execute necessary documents for establishing various parts of such a new township which, as per the stated public purpose, included industrial, commercial and residential areas.

44. Hence, we find that the main ground and the thrust in the writ petition seeking return of 25.39 acres of land to the petitioners, is based on a misunderstanding of the stated public purpose and it is also based on misapplication of the judgment of the Supreme Court in the case of **Royal Orchid Hotels Limited and another Vs. G. Jayarama Reddy** (*supra*). The original ground on which the writ petition was filed in the year 2012 is, therefore, found to be without any substance and the same is rejected.

45. The record shows that the petitioners amended the writ petition from time to time. As per order dated 19.08.2022, the petitioners added respondent Nos.2A and 2B i.e. PCMC and PMRDA respectively as party respondents in the light of subsequent developments, as some portions of the property were taken over by the PCMC and some others by PMRDA from respondent No.2 - PCNTDA. By an order dated 18.12.2023, the petitioners were permitted to amend the writ petition, whereby they added paragraph Nos.16A to 16D, as also prayer clause (aa) in the writ petition. It is

crucial to note that in the aforesaid order dated 18.12.2023, whereby this Court allowed the petitioners to carry out the said amendments, it was specifically made clear that this Court had not opined on the merits of the matter and that the said aspects would be decided when the writ petition is heard. A perusal of paragraphs 16A to 16D, added by way of the aforesaid amendment, shows that reference was made to the respondent No.2 - PCNTDA being dissolved from the date of publication of Notification dated 07.06.2021. Reference was also made to the respondent No.2 having leased out certain portion of the aforesaid land for the period of 99 years for beautification and it was also stated that the assets of respondent No.2 - PCNTDA had been transferred to respondent No.2A - PCMC and respondent No.2B - PMRDA. It was further alleged that when the petitioners had approached the said respondents, they were throwing the burden on each other.

46. It is necessary to peruse prayer clause (aa), added by way of amendment, permitted as per order dated 18.12.2023. The said prayer clause reads as follows:-

“(aa) That this Honourable Court be pleased to issue the necessary writ or direction in the nature of Mandamus under the provision of Article 226 of the Constitution of India directing, the respondent No.2A and / or the Respondent No.2B either to return the entire area of 25.39 acres from the suit property viz. Survey No.210 and 211 Wakad, Tal – Mulshi, Dist:- Pune to the petitioners herein and / or such area from the area of 25.39 acres which is not even today also utilized by the Respondent Municipal Corporation for the public purposes which are mentioned in the order dated 7th July 1992 by the State Government at Exhibit C page 53 that area should be returned back to the petitioner by the respondent No.2A and / or respondent No.2B and the Respondent No.2A and / or the Respondent No.2B may be directed to pay the monetary

compensation in respect of the area, of 25.39 acres to the petitioner herein with such interest thereupon as the Honourable Court may deem fit after calculating the said amount in accordance with the provision of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.”

47. The first part of the above-quoted prayer clause (aa) reiterated the claim of the petitioners that the said area of 25.39 acres had not been utilized for the stated public purpose, *inter alia*, mentioned in the order dated 07.07.1992 passed by the respondent - State under Section 48 of the LA Act. The second part of the above-quoted prayer clause (aa), for the first time, alternatively claimed monetary compensation in respect of the entire 25.39 acres of land by calculating the same in accordance with the provisions of the Act of 2013.

48. We have perused the writ petition along with amendments, but we find that there are no pleadings or statements in the writ petition to form the basis for claiming relief in terms of the second part of the above-quoted prayer clause (aa). It was only in paragraph 7 of the writ petition, as it was originally filed, that a passing reference was made to the allegation that the petitioners had not been paid compensation for acquisition of 25.39 acres of land. Being a writ petition before this Court, there cannot be an insistence on detailed pleadings as would be required in a civil suit. But, we find substance in the contention raised by the learned Advocate General that the second part of prayer clause (aa), for the first time, seeking monetary compensation by amendment in the year 2023, has no factual or legal basis pleaded in the writ petition.

49. Nonetheless, we have considered the elaborate submissions orally made by the learned senior counsel appearing for the petitioners in support of the reliefs claimed in this petition, including relief for monetary compensation as per the provisions of the Act of 2013. We have already noted hereinabove that the petitioners were throughout aware of the acquisition proceedings. In fact, they filed Writ Petition No.3719 of 1987 challenging the acquisition. The award was already rendered on 23.09.1986 and it cannot be disputed that the petitioners refused to respond to the notices issued under Section 12(2) of the LA Act and they did not collect the compensation determined for acquisition of the land belonging to them, totally admeasuring 97.01 acres from Survey No.210. The writ petition was dismissed on 18.07.1989 and the review application filed by the petitioners was also dismissed on 08.09.1989. The special leave petition filed by the petitioners was withdrawn with liberty to the petitioners to pursue their application under Section 48 of the LA Act.

50. The petitioners then filed Writ Petition No.36 of 1990, seeking a direction to the Competent Authority to decide their applications under Section 48 of the LA Act for deletion of their lands from acquisition. The said writ petition was disposed of by granting liberty to the petitioners to submit a comprehensive application under Section 48 of the LA Act and a direction was issued to the concerned Minister to hear and dispose of the said application. Consequently, hearing was granted on 03.07.1992 and on 07.07.1992, the respondent-State passed the order releasing 76.17 acres of land from acquisition, requiring the petitioners to handover 25.39 acres of land. It was recorded in the said order dated 07.07.1992 that the petitioners would not be entitled to any amount towards damages for

the period of acquisition. We do find substance in the contention raised on behalf of the petitioners that the said condition recorded in the order dated 07.07.1992, pertained to compensation under Section 48(2) of the LA Act towards damages suffered by the landowner in consequence of the acquisition proceedings together with costs incurred by the landowner in prosecution of proceedings under the LA Act relating to the subject land.

51. But, it is to be noted that the petitioners resisted acquisition of their land from the very beginning and in that context, pursued the writ petition and review application before this Court and the special leave petition before the Supreme Court. It is in this backdrop, that the order dated 07.07.1992 was passed by the respondent-State, releasing major portion of the acquired land admeasuring 76.17 acres from acquisition and retaining only 25.39 acres for the aforesaid stated public purpose.

52. As a matter of fact, the said order dated 07.07.1992 was stayed by the State Government itself by a subsequent order dated 10.08.1992. The petitioners filed Writ Petition No.1116 of 1993 in the High Court to challenge the said order of stay and insisted upon the order dated 07.07.1992 being implemented.

53. While the petitioner referred to filing of Writ Petition No.1116 of 1993 in this Court and they also placed on record copy of the order dated 23.03.1993, whereby the stay order dated 10.08.1992 was set aside, paving the way for implementation of order dated 07.07.1992, they did not place on record copy of the memo of Writ Petition No.1116 of 1993. The same was produced before this Court on behalf of the respondents by the learned Advocate General,

stating that the petitioners deliberately indulged in suppression of material facts from this Court.

54. The contents of the memo of Writ Petition No.1116 of 1993, when produced before this Court, were not denied on behalf of the petitioners. In paragraph 6 of Writ Petition No.1116 of 1993, these very petitioners categorically stated as follows:-

“6. The petitioners state that thus, the Respondent No.2 had passed an order directing that after acquiring the land required for acquisition viz. 15 acres for the purpose of Bus Depot, Hospital and other public amenities plus 10 Acres for other similar public purposes and thus, the total area of 25-39 Acres may be acquired for the new township development Authority and the remaining areas of 76.17 acres which is in the residential zone may be dropped from acquisition and the same may be given for the development of 4 proposed cooperative housing societies, similarly it was further agreed that for the purpose of acquiring 25.39 acres the petitioners would not be entitled to any compensation. The petitioners state that thus, this order was passed pursuant to specific directions given by the Hon’ble Supreme Court in Writ Petition No.36/1990.”

55. Thus, according to the petitioners themselves, it was an agreement between them and the respondent authorities that 25.39 acres of their land would be acquired without any entitlement towards compensation, while 76.17 acres would stand released. Therefore, according to the petitioners, this was an agreement, which was in the backdrop of their insistence on implementation of the said order dated 07.07.1992 under Section 48 of the LA Act. This was suppressed by the petitioners in the present writ petition and instead the following statement was made in paragraph 7 of the present writ petition:-

“7. ... At this juncture, it is further pointed out that till this date, the Petitioners have not been paid any single

‘rupee’ towards their compensation against the acquisition of the said area of 25.39 Acres under the Land Acquisition Act, 1984.”

56. The above-quoted sentence in the present writ petition is diametrically opposite to the stand taken by the petitioners in the above-quoted paragraph 6 of Writ Petition No.1116 of 1993 filed on their behalf. All through the period of pendency of the present writ petition, from the year 2012 till the final hearing, the petitioners did not reveal the aforesaid stand taken by them in the previous Writ Petition No.1116 of 1993. The respondents have brought the aforesaid suppression of the petitioners to the notice of this Court. It is in this backdrop that we have to appreciate the observation made by the Supreme Court in the aforementioned judgement in the case of **Pimpri Chinchwad New Township Development Authority Vs. Vishnudev Co-operative Housing Society and others** (*supra*). Although the petitioners were not parties to the said proceedings, it is undisputed that some other members of the 'Deo family', to which the petitioners themselves belong, had sold part of the property that was the subject matter of acquisition to the said society and yet, no reference was made at any point in time about the said proceeding. Be that as it may, in the said judgement, the Supreme Court found that 76.17 acres of land was released in favour of the landowners (petitioners herein) and 25.39 acres was retained. This was recorded as a 'bargain' by the Supreme Court in paragraph 42 of the said judgement, which reads as follows:-

“42. Indeed, the release of part of the land in landowners’ favour and retention of the remaining land for accomplishing the project vide Notification dated 20-8-1994 was in the nature of a bargain. It disentitled the landowners to seek further release of the remaining land. This is apart from the fact that consequent upon obtaining the possession of the land by the State, the release of the remaining land under Section 48 of the Act

was otherwise not legally possible.”

57. The petitioners emphasized that the said reference to 'bargain' was only in the context of landowners being disentitled to seek further release of the remaining lands. But we are of the opinion that the resistance to acquisition on the part of the petitioners, challenge thereto by filing writ petition and review application before this Court as also special leave petition before the Supreme Court, culminating in release of 76.17 acres of the lands of the petitioners with only 25.39 acres being retained, was clearly a bargain struck by the petitioners and as per their own statement contained in the above-quoted paragraph 6 of Writ Petition No.1116 of 1993, they agreed that they would not be entitled to claim compensation for acquisition of 25.39 acres of land.

58. We find that when the petitioners were confronted, during final hearing, with the memo of Writ Petition No.1116 of 1993, particularly contents of paragraph 6 thereof, they took a stand that even if 'ideally' they should have placed the said fact before this Court, their claim for compensation as an assertion of their right under Article 300-A of the Constitution could not be ignored. It was asserted that the respondents cannot resist the claim of the petitioners on the ground of delay and laches and that the law laid down by the Supreme Court in that context inures to the benefit of the petitioners.

59. But, before considering the aspect of delay and laches, it would be appropriate to first consider as to in what manner this Court exercising writ jurisdiction should deal with the suppression of vital facts by the petitioners, while pursuing the present writ petition. Although, it was claimed on behalf of the petitioners that the failure

to place the memo of Writ Petition No. 1116 of 1993 on record and not referring to the specific assertion therein about agreement between the petitioners and the respondents-State that they would not claim compensation for acquisition of 25.39 acres of land, would not amount to 'material suppression', we find that the said suppression of fact was certainly an act of material suppression, for the reason that in this writ petition, the petitioners are pursuing a diametrically opposite line of arguments. The aforesaid Writ Petition No. 1116 of 1993 was filed and pursued by the petitioners, insisting upon release of 73.17 acres of land and in lieu thereof, the State retaining 25.39 acres and in that backdrop, they specifically stated in the said writ petition before this Court that they had agreed not to claim compensation for 25.39 acres of land and yet, this most vital fact was suppressed in the present writ petition. A completely opposite stand was taken and as recently as in the year 2023, 11 years after filing of the present writ petition, the petitioners for the first time amended the prayers to add prayer clause (aa) to claim monetary compensation for the said piece of land. We find this to be an act of brazen and deliberate suppression of material facts on the part of the petitioners, while invoking writ jurisdiction of this Court.

60. In this context, the position of law laid down by the Supreme Court needs to be taken into account.

61. In the case of *Hari Narain vs. Badri Das* **AIR 1963 SC 1558**, the Supreme Court found that substantially inaccurate and untrue statements were made in the Special Leave Petition, due to which leave was granted by the Supreme Court. Upon being apprised of the correct facts, the Supreme Court revoked the leave granted to the appellant and held that it would be unfair to betray the confidence of the Court by making statements which are untrue and misleading.

62. In the case of *Abhyudya Sanstha vs. Union of India & Ors.* (2011) 6 SCC 145, the Supreme Court observed that the minimum that is expected from litigants approaching the Court is that they do so with clean hands and if they do not do so, they pollute the stream of justice by making false statements. In the said judgment, the Supreme Court referred to its earlier judgment in the case of *Dalip Singh vs. State of U. P.* (2010) 2 SCC 114 and quoted the relevant paragraphs from the said judgment in the following manner :

21. In *Dalip Singh v. State of U.P.* [(2010) 2 SCC 114] this Court noticed the progressive decline in the values of life and observed:

“1. For many centuries Indian society cherished two basic values of life i.e. ‘satya’ (truth) and ‘ahimsa’ (non-violence). Mahavir, Gautam Buddha and Mahatma Gandhi guided the people to ingrain these values in their daily life. Truth constituted an integral part of the justice-delivery system which was in vogue in the pre-independence era and the people used to feel proud to tell truth in the courts irrespective of the consequences. However, post-independence period has seen drastic changes in our value system. The materialism has overshadowed the old ethos and the quest for personal gain has become so intense that those involved in litigation do not hesitate to take shelter of falsehood, misrepresentation and suppression of facts in the court proceedings.

2. In the last 40 years, a new creed of litigants has cropped up. Those who belong to this creed do not have any respect for truth. They shamelessly resort to falsehood and unethical means for achieving their goals. In order to meet the challenge posed by this new creed of litigants, the courts have, from time to time, evolved new rules and it is now well established that a litigant, who attempts to pollute the stream of justice or who touches the pure fountain of justice with tainted hands, is not entitled to any relief, interim or final.”

63. In the case of *Kishore Samrite vs. State of Uttar Pradesh & Ors.* (2013) 2 SCC 398, the Supreme Court referred to earlier precedents

to cull out principles for dealing with litigants who mislead Courts.

The relevant portion of the said judgment reads as follows :

“31. Now, we shall deal with the question whether both or any of the petitioners in Civil Writ Petitions Nos. 111 of 2011 and 125 of 2011 are guilty of suppression of material facts, not approaching the court with clean hands, and thereby abusing the process of court. Before we dwell upon the facts and circumstances of the case in hand, let us refer to some case law which would help us in dealing with the present situation with greater precision.

32. The cases of abuse of process of court and such allied matters have been arising before the courts consistently. This Court has had many occasions where it dealt with the cases of this kind and it has clearly stated the principles that would govern the obligations of a litigant while approaching the court for redressal of any grievance and the consequences of abuse of process of court. We may recapitulate and state some of the principles. It is difficult to state such principles exhaustively and with such accuracy that would uniformly apply to a variety of cases. These are:

32.1. Courts have, over the centuries, frowned upon litigants who, with intent to deceive and mislead the courts, initiated proceedings without full disclosure of facts and came to the courts with “unclean hands”. Courts have held that such litigants are neither entitled to be heard on the merits of the case nor are entitled to any relief.

32.2. The people, who approach the court for relief on an ex parte statement, are under a contract with the court that they would state the whole case fully and fairly to the court and where the litigant has broken such faith, the discretion of the court cannot be exercised in favour of such a litigant.

32.3. The obligation to approach the court with clean hands is an absolute obligation and has repeatedly been reiterated by this Court.

32.4. Quests for personal gains have become so intense that those involved in litigation do not hesitate to take shelter of falsehood and misrepresent and suppress facts in the court proceedings. Materialism, opportunism and

malicious intent have overshadowed the old ethos of litigative values for small gains.

32.5. A litigant who attempts to pollute the stream of justice or who touches the pure fountain of justice with tainted hands is not entitled to any relief, interim or final.”

64. Thus, the approach of the Supreme Court and consequently the Constitutional Courts in such situations is that when it is found that the petitioners have approached the Court and indulged in suppression of material facts, in order to mislead the Court, such petitioners are not entitled to any relief either interim or final. The approach of the petitioners in casually dealing with their obvious act of suppression of facts by stating that ‘ideally’ they should have disclosed their stand in the earlier Writ Petition No. 1116 of 1993, is found to be reprehensible. Such litigants cannot be allowed to go scot-free and to turnaround and claim that their valuable Constitutional right has been violated and therefore, this Court exercising writ jurisdiction ought to hold in their favour. We find that the conduct of the petitioners in the present case amounts to approaching the writ Court with unclean hands and they have polluted the stream of justice, deserving no indulgence from this Court.

65. In this context, much emphasis was placed on behalf of the petitioners on the line of judgments of the Supreme Court dealing with the question of delay and laches, when the right to property as a constitutional right under Article 300A of the Constitution of India has been considered. Reliance has been placed on judgments of the Supreme Court in the case of *Vidya Devi vs. State of Himachal Pradesh & Ors.* (2020) 2 SCC 569 and *Sukh Dutt Ratra and another vs. State of Himachal Pradesh and others* (*supra*). We find that the

said line of judgments, including the aforesaid two precedents, are distinguishable from the facts of the present case.

66. In the case of **Vidya Devi vs. State of Himachal Pradesh & Ors.** (*supra*), the Supreme Court found that the appellant was an 80 year old woman whose land was taken over by the State as far back as in the year 1967-1968 for construction of a district road, which was completed in the year 1975. The appellant was an illiterate widow coming from a rural background, totally unaware of her rights and entitlement in law and hence, she could not file any proceedings for compensation for her land compulsorily taken over by the State. In the year 2004, similarly situated persons, whose land had been taken over by the State for the same public purpose, had approached the High Court by filing a writ petition claiming compensation, and certain orders were passed in their favour. Thereafter, the appellant therein, becoming aware of the proceedings in the year 2010, approached the High Court along with her daughter, seeking compensation for the compulsory taking over of her land, way back in the year 1967-68.

67. It is in the backdrop of such facts that the Supreme Court held that the writ Court can certainly consider the plight of such a petitioner, who was deprived of her right under Article 300A of the Constitution of India and thereupon, issued necessary directions for compensation in accordance with law. The factual backdrop is crucial to understand why the Supreme Court held that in such cases the State cannot rely upon delay and laches as a ground to deny relief to the petitioner.

68. In the case of **Sukh Dutt Ratra and another vs. State of Himachal Pradesh and others** (*supra*), the Supreme Court found that

the appellants before the Court had stated that their lands were utilized for construction of a road in the year 1972-73, while no land acquisition proceedings at all were initiated and no compensation was paid to them. The appellants therein approached the High Court in writ jurisdiction in the year 2011. The appellants therein contended that the State had simply taken over their land without following due process of law and that they had been deprived of their land without any compensation. The Supreme Court found that although it was strenuously argued that the appellants therein had approached the writ Court after a huge delay, the right of the appellants therein under Section 300A of the Constitution of India, which stipulates that no person shall be deprived of property save by authority of law, had been violated. It was held that the State cannot take the shelter of delay and laches as a ground to resist the claim for compensation by a person, whose property has been expropriated and that just and fair compensation must be paid. Reference was also made to the said judgment in the case of **Vidya Devi vs. State of Himachal Pradesh & Ors.** (*supra*).

69. We find that the facts in the present case are clearly distinguishable. The petitioners herein are not illiterate individuals. As a matter of fact, they are very much aware about their rights. It is a matter of record that they resisted acquisition of their land from the very beginning. The petitioners filed aforesaid Writ Petition No. 3719 of 1987 to challenge the acquisition process, which had culminated in award dated 23.09.1986. Upon their writ petition being dismissed, they filed a review application before this Court, which was also dismissed. Thereupon, they filed Special Leave Petition before the Supreme Court, which was withdrawn in order that the petitioners pursue their application for deletion of their land

from acquisition. As noted hereinabove, the petitioners stridently pursued the matter by filing further Writ Petition No. 36 of 1990, for a direction to the Competent Authority to consider release of their land from acquisition. When the order dated 07.07.1992, releasing major portion of 76.17 acres of from acquisition, was stayed by a subsequent order dated 10.08.1992, the petitioners filed the aforesaid Writ Petition No. 1116 of 1993 for setting aside of the stay order and insisting upon implementation of the order dated 07.07.1992.

70. It is in the said Writ Petition No. 1116 of 1993 that the petitioners specifically and categorically stated in the above quoted paragraph 6 of the writ petition that there was an agreement between them and the State that they will not claim compensation for 25.39 acres of land. This was clearly in the backdrop of release of 76.17 acres from acquisition. This crucial fact was suppressed by the petitioners in the present writ petition, even upto the time of its final hearing, till they were confronted with the memo of Writ Petition No. 1116 of 1993, as a copy of the same was produced by the learned Advocate General for the perusal of this Court.

71. We are of the opinion that the facts in the present case clearly show that the petitioners do not deserve any indulgence and they cannot portray their case to be akin to cases in which the Supreme Court and this Court has held that delay and laches would not be relevant factor in the context of violation of right of the petitioners under Article 300A of the Constitution of India.

72. In the present case, the land acquisition award was passed as far back as on 23.09.1986. Notices were issued to the petitioners under Section 12(2) of the LA Act for receiving compensation, to

which they refused to respond, as a consequence of which, the State-Authorities deposited the compensation amount in PLA. The possession of the land was handed over to the Authorities on 30.05.2000. It is specifically recorded in the judgment of the Supreme Court in the case of **Pimpri Chinchwad New Township Development Authority vs. Vishnudev Co-operative Housing Society and others** (*supra*) that possession was handed over without any resistance after it was agreed between the land owners i.e. the petitioners and the State that 76.17 acres of land was released from acquisition. It is recorded in the said reported judgment that petitioner No.1-Bhalchandra Chintaman Deo and petitioner No.10-Chandrakant Gajanan Deo were personally present at the time of taking over possession by the respondent No.1-SLAO.

73. The present writ petition was filed in the year 2012 and in its original form, the only thrust of the petitioners was that since the said land of 25.39 acres was not utilized for the stated public purpose and it was allegedly handed over to private parties, the land must be returned to the petitioners in terms of law laid down by the Supreme Court in the case of **Royal Orchid Hotels Limited and another vs. G. Jayarama Reddy and others** (*supra*). There was no prayer for granting monetary compensation or invoking of right to property under Article 300A of the Constitution of India. Eleven years after filing of the writ petition, in December 2023, the petitioners amended the writ petition, for the first time, to add prayer clause (aa), wherein it was claimed that monetary compensation ought to be given as per the provisions of the Act of 2013. Thus, 37 years after the land acquisition award was passed and 23 years after possession was willfully handed over to the respondent No.1-SLAO, the petitioners claimed monetary

compensation and for that purpose, in the body of the writ petition no factual or legal basis was incorporated.

74. In this factual backdrop, we find that the petitioners cannot rely upon the line of judgments, pertaining to Article 300A of the Constitution of India in the context of the question of delay and laches. The said position of law cannot inure to the benefit of the petitioners, particularly when they have indulged in suppression of material facts and misled this Court in the present writ petition. On this ground alone, the writ petition deserves to be dismissed.

75. The learned senior counsel appearing for the petitioners relied upon the judgement of the Constitution Bench of the Supreme Court in the case of **Indore Development Authority vs. Manoharlal and others** (*supra*). It was contended that the petitioners were not even claiming lapsing of acquisition under Section 24(2) of the Act of 2013, but reliance was being placed on proviso to Section 24(2) of the Act of 2013. On the other hand, the learned Advocate General submitted that this was a case covered under Section 24(1)(b) of the Act of 2013 as the award had been passed way back on 23.09.1986.

76. We find that there can be no denial about the fact that the award was passed on 23.09.1986. The petitioners refused to accept the notices issued under Section 12(2) of the LA Act and they refused to accept the compensation. As a consequence, the amount was deposited in PLA. Much emphasis has been placed on behalf of the petitioners on this aspect of the matter, to claim that the amount should have been deposited in the Court and the amount being deposited in PLA, was of no consequence. In this regard, reference was made to Section 31 of the LA Act. It was submitted that the moment it was conceded that the amount was deposited in PLA, the

petitioners can certainly claim relief under proviso to Section 24(2) of the Act of 2013.

77. It was emphasized that the compensation amount should have been deposited in the accounts of the beneficiaries in respect of majority of land holding and since this had not been done, the petitioners are now entitled for compensation in accordance with provisions of the Act of 2013.

78. In the first place, in the light of the observations made hereinabove, we find that the petitioners are dis-entitled from claiming compensation. In any case, the petitioners are not entitled to invoke proviso to Section 24(2) of the Act of 2013, by claiming that since the respondent No.1-SLAO failed to deposit the compensation amount in the account of the beneficiaries in the year 1986, they should be paid compensation today, as per the provisions of the Act of 2013. It is an admitted position on record that the petitioners never made any claim for compensation. In fact, they refused to accept the compensation for the entire land acquired from survey No.210. Even when 25.39 acres of land was taken over and 76.17 acres of land was released in favour of the petitioners, there was no whisper on the part of the petitioners towards their claim for compensation. The petitioners willfully handed over possession to the respondent No.1-SLAO on 30.05.2000. They did not raise their claim for compensation till the petition was amended in December 2023. Even while permitting the amendment, this Court had made it explicitly clear that the merits of the claim were being kept open to be decided at the stage of hearing of the writ petition.

79. We find that the petitioners are now seeking to turnaround and claim benefit of the provisions of the Act 2013, by claiming that

failure on the part of the State in depositing compensation amount in their accounts must penalize the State-exchequer and to pay compensation under the Act of 2013, notwithstanding the aforementioned conduct of the petitioners. We are unable to appreciate the said stand taken by the petitioners.

80. In this context, we find that the learned Advocate General is justified in referring to relevant portions of the Constitution Bench of the Supreme Court in the case of **Indore Development Authority vs. Manoharlal and others** (*supra*), wherein it is observed that Section 24(2) of the Act of 2013 is not a tool to revive old acquisition proceedings and to question the validity of acquisitions or to claim compensation under the provisions of the Act of 2013, where the land owners have no good reason to have refused to accept compensation. The Supreme Court held that land owners cannot be permitted to wake-up from deep slumber and raise such questions after long periods of time and if they are permitted to do so, it would result in financial strain on the treasury. The Supreme Court held that the mode of deposit of compensation by the State-Authorities cannot become the basis for claimants to seek relief after decades, under the provisions of the Act of 2013.

81. We are of the opinion that the said observations of the Supreme Court in the Constitution Bench judgment have to be applied to the present case, particularly keeping in mind the stated case of the petitioners themselves in their Writ Petition No. 1116 of 1993, that there was an agreement between them and the State that they would not claim compensation for 25.39 acres of land. The land admeasuring 76.17 acres was released from acquisition and this factor, as an agreement or 'bargain' was noted by the Supreme Court itself in the aforesaid judgment in the case of **Pimpri Chinchwad New**

Township Development Authority vs. Vishnudev Co-operative Housing Society and others (*supra*). It is not even the case of the petitioners that they were coerced into the agreement. They voluntarily gave possession of 25.39 acres of land in the year 2000 and did not raise a whisper about compensation till December, 2023.

82. Considering the peculiar facts of this case, we find that the petitioners are certainly not entitled to raise a contention that if their petition is dismissed, it would lead to a situation where the State could notify a larger chunk of land for acquisition and then restrict the acquisition to a smaller piece, while refusing to pay compensation for such smaller piece of land being acquired. Each case has to be considered on its own facts and merits. In the present case, we do not find the petitioners to be victims of any such 'design' of the State. As noted hereinabove, the notification under Section 4 of the LA Act was issued as far back as on 09.03.1970 and the declaration under Section 6 thereof was issued on 09.11.1972 for the stated public purpose of the planned development and utilization of lands for establishing new township area in Pimpri Chinchwad and for industrial, commercial and residential areas. The acquisition process culminated in the award dated 23.09.1986 and possession of only 25.39 acres of land could be taken after about 14 years i.e. on 30.05.2000. In the interregnum, the petitioners were continuously litigating and eventually, as per their own specific stand, it was agreed that the petitioners would not be paid for compensation for 25.39 acres and 76.17 acres were released from acquisition. Therefore, the general apprehension expressed on behalf of the petitioners does not apply to the facts of their case and by rejecting the claim of the petitioners, this Court would not be granting imprimatur to any such approach of the State of notifying a larger

piece of land and eventually, acquiring a smaller piece without paying compensation. Each case has to be dealt with on its own facts and if such malicious conduct of the State is evident from the facts of an individual case, the Court would certainly take remedial action.

83. In this context, we do not find it necessary to deal with the judgments of this Court relied upon by the petitioners in the cases of **Hemantkumar Krushnaji Charegaonkar vs. State of Maharashtra and others** (*supra*), **Shital Anna Walawade and others vs. State of Maharashtra and others** (*supra*) and **Geeta Vijay Deshpande and others vs. State of Maharashtra and others** (*supra*). There can be no quarrel with the position of law laid down in the said judgments of this Court, to the effect that in the State of Maharashtra Rules were not framed under the LA Act, specifying the mode of deposit of compensation amount. But, the said judgments and the position of law laid down therein cannot inure to the benefit of the petitioners, in the light of the conclusions reached hereinabove.

84. We find substance in the contention raised on behalf of the respondent No.2A-PCMC by placing reliance on the judgments of the Supreme Court in the case of **Madhya Pradesh Housing and Infrastructure Development Board and another Vs. Vijay Bodana and others** (*supra*).

85. In the said judgment, the Supreme Court found that due credence has to be given to the aspect of delay and change in position in creation of third party rights when the acquired land is already utilized. It was held that innocent plot owners in the acquired land would face the brunt, if the claims of the original owners were considered and allowed and it would be a situation of adversely affecting third party rights, despite considerable delay and

laches on the part of the original land owners. It was found that the Municipal Corporation therein had proceeded to develop the acquired land creating third party rights.

86. In the present case also, the new township of Pimpri-Chinchwad has developed and industrial, commercial and residential areas have been developed, wherein third party rights have been created after possession of land was handed over by the petitioners way back on 30.05.2000. Therefore, there is no question of entertaining the prayer of the petitioners for return of their land and in the light of the findings rendered hereinabove, we find that the relief of monetary compensation sought by way of amendment, as per subsequently added prayer clause (aa) can also not be granted.

87. In the light of the findings rendered hereinabove, there is no occasion to consider the additional prayer of relief in terms of Government Resolutions, formulating a scheme of granting developed plots by way of compensation. Hence, the writ petition is devoid of merits.

88. Accordingly, the writ petition is dismissed.

89. Pending applications also stand disposed of.

(MANJUSHA DESHPANDE, J.)

(MANISH PITALE, J.)

Minal/Bipin/Priya