

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO. 2573 OF 2013

Sudhakar s/o Vishnupant Subhedar,  
Age 64 years, Occu. Medical Practice,  
Dr. Lane, Vajirabad, Nanded.

... Petitioner

Versus

1. The State of Maharashtra  
Principle Secretary,  
Urban Dev. Dept.,  
Mantralaya, Mumbai – 32.
2. The Collector, Parbhani.
3. Assistant Director, Town Planning,  
Parbhani.

Resp. Nos. 1 to 3 to be served  
through Govt. Pleader,  
High Court of Bombay at Aurangabad.

4. Municipal Council, Selu,  
Through its Chief Officer.

... Respondents

...

Advocate for Petitioner : Mr. Suresh M. Kulkarni  
AGP for Respondents Nos. 1 to 3 : Mr. S. K. Kadam  
Advocate for Respondent No. 4 : Mr M. P. Tripathi and Mr. S. S. Jadhav

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**CORAM : A. V. NIRGUDE AND  
V. K. JADHAV, JJ.**

**DATED : 21<sup>st</sup> AUGUST, 2015**

**ORAL JUDGMENT (PER A. V. NIRGUDE, J.) :-**

1. During pendency of this petition, this Court suggested to the parties namely the petitioner and the Municipal Council, Selu, for

exploration of negotiated settlement. It appears that negotiations took place between the parties. At one point of time, the petitioner agreed to accept Rs. 12 lacs as compensation amount, but immediately thereafter, he intimated to the Municipal Council that he would not accept such compensation and he withdrew from the settlement. This had happened six (06) months back. We assume that the negotiations failed. The petition should continue on merits.

2. Rule. Rule made returnable forthwith. By consent of parties, taken up for final hearing.

3. The facts leading to the litigation are almost admitted. The piece of land belonging to the petitioner is situated in the local limits of Selu Municipal Council. The Council constructed a road utilizing the land in the year 2004. Admittedly, no proceedings for land acquisition were undertaken at any time. The land, thus, was taken away unauthorizedly. The petitioner learnt about this and being aggrieved, filed this petition. The petitioner's main prayer is that his land should be acquired and he should be given compensation as per law. In the mean time, the parties tried to settle the case by negotiations, but it did not occur. There is no other alternative but to allow the petition in terms of following order :

**ORDER**

- I. Respondent No. 4 - Municipal Council, Selu, is directed to acquire the petitioners land as per law within a period of six (6) months from today.
- II. The amount so far received by the petitioner shall be adjusted in the proposed compensation if any.
- III. Rule is made absolute in the above terms. Writ Petition is disposed of with no order as to costs.

**( V. K. JADHAV, J.)**

**( A. V. NIRGUDE, J. )**

aaa/