

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

911 WRIT PETITION NO. 6665 OF 2014

MEHBOOB KHAN AZIZ KHAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Kazi S.S.
Mr. SG Karlekar, AGP for Respondent Nos.1/State.
Mr. AM Karad, Adv. For R/2 & 3

**CORAM : R.M.BORDE &
 P.R.BORA, JJ.**

DATE : 11th JUNE, 2015.

PER COURT :

1) Heard. It is not a matter of dispute that the property belonging to the petitioner has been utilized by the Corporation for widening the Road. The grievance made by the petitioner is that the Corporation has taken over possession of the property belonging to the petitioner without observing the procedure prescribed under the Land Acquisition Act, 1894 and without making payment of compensation at the market rates.

2) The petitioner has, earlier approached this Court by presenting Writ petition Nos.777/2013 and 783/2013. The said petitions were disposed of with

liberty to the petitioners to raise the questions before appropriate forum since the petitions involved disputed question of facts. It also does appear that the Corporation has determined the value of the property at Rs.22,46,970/- and called upon the petitioner to accept the TDR instead of net amount. The proposal put-forth by the Corporation is not acceptable to the petitioner.

3) In the facts and circumstances of the case, it is desirable that the Corporation shall forward a proposal to the Land Acquisition Officer for determination of amount of compensation and after declaration of Award, shall pay the amount as quantified by the Land Acquisition Officer to the petitioner. At the cost of repetitions, it is emphasized that it is not a matter of dispute that the property belonging to the petitioner has been acquired by the Corporation without resorting to the provisions of the Land Acquisition Act.

4) Although there is a disagreement amongst the parties, as regards quantum of compensation, learned Counsel appearing for the Corporation, on

instructions, informs that appropriate proposal would be forwarded to the Land Acquisition Officer/Collector for determination of compensation, as expeditiously as possible and preferably within a period of four weeks from today. On receipt of such proposal, the Collector/Land Acquisition officer shall, in observance of the procedure prescribed under the Land Acquisition Act, shall declare an Award expeditiously.

5) With the directions, as above, the writ petition is disposed of.

(P.R.BORA)
JUDGE

(R.M.BORDE)
JUDGE

bdv/