

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 8980 OF 2013

Shrikant Dnyanu Mali	...	Petitioner
V/s.		
Kagal Municipal Council & anr.	...	Respondents

Mr. P.D. Dalvi for the petitioner.
Mr. P.G. Sawant, AGP for respondent no.2.

**CORAM : NARESH H. PATIL AND
M.S. SONAK, JJ.**

14th December, 2015.

P.C.

Heard learned Counsel for the parties.

2. Learned Counsel for the petitioner submits that without following due process of law, the respondent Municipal Council is likely to take possession of the immovable property bearing City Survey No. 2761 Kagal.

3. The respondent no.1 filed affidavit-in-reply through the Chief Officer. In paragraph 5, 6 the deponent contends as under:-

“5. I state and submit that, accordingly by the meeting dated 18th June 2007, resolution bearing Resolution No.23 was passed by the Municipal Council, the copy of said resolution is

already enclosed by the petitioner to the memo of petition and is marked as EXHIBIT-D. I state that, by the said resolution it was resolved that the land be acquired with mutual consent and in case if the land owners are not ready to hand over the land then the provisions of Land Acquisition Act will be followed.

6. I state and submit that, in view of the said resolution notice was issued to the petitioner to hand over the property and execute the affidavit on stamp paper for accepting the compensation. I state that, since the petitioner is not mutually handing over the possession of the land the Municipal Council will follow the procedure laid down under the Land Acquisition Act.”

4. The Assistant Director, Town Planning, Kolhapur Mr. Sanjaykumar Chawhan has also filed affidavit-in-reply. The deponent contends that revised Development Plan of Kagal Municipal Council has been sanctioned by Government vide notification dated 29th August, 1986 which had come into force from 15th October, 1986. In the said Development Plan the land under Development Plan reference is affected by 12 meters wide road which is proposed road.

5. In view of the affidavits filed, writ petition is disposed of.

(M.S.SONAK, J.)

(NARESH H. PATIL, J.)