

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 3373 OF 2014

Pioneer Residency Park Housing Society, Nagpur

-vs-

State of Maharashtra and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mrs.V.Khadekar, counsel for petitioner.
Mr. N.R.Rode, AGP for respondent No.1.
Mr.S.K.Mishra, counsel for respondent Nos.2 and 3.

CORAM : B.P.DHARMADHIKARI &
A.S.CHANDURKAR, JJ.

DATE : 28.01.2015.

Heard Advocate Mrs.Khadekar for petitioner,
Assistant Government Pleader Shri Rode for respondent No.1
and Advocate Shri Mishra for respondent Nos.2 and 3.

Perused Court order dated 26/02/2012 in Writ
Petition No.32 of 1994.

Advocate Shri Mishra submits that after this
Court clarified the meaning of '*status quo*', the land owner
was approached with request to hand over the land by
private negotiations and by accepting TDR, but the land
owner did not agree and hence respondent Nos.2 and 3 have
now submitted a proposal for its compulsory acquisition in
terms of Section 126(4) of Maharashtra Regional and Town
Planning Act on 26/05/2014. After the land is acquired and
delivered in possession of respondent Nos.2 and 3, the work
of construction of D.P.Road can be undertaken.

Advocate Mrs.Khadekar points out that Road is sanctioned since last about 10 years and necessary no objection was also issued in 2006. The petitioner also deposited amount of Rs.10,00,000/- towards development charges.

The private land owner is not party before this Court and he cannot be forced to hand over possession in favour of respondent Nos.2 and 3 except in accordance with law. Respondent Nos.2 and 3 have proceeded further in the matter and submitted proposal, which is pending with competent authority. We direct respondent Nos.2 and 3 and said other authority, i.e. Special Land Acquisition Officer, Nagpur Improvement Trust to process that proposal and to initiate necessary action in accordance with law within next six weeks. With these directions and keeping all rival contentions open, the writ petition is disposed of. No costs.

JUDGE

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