

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

WRIT PETITION NO. 2394 OF 2016

Sunil Madhusudan Ranade and others ...PETITIONERS

versus

The State of Maharashtra and others ...RESPONDENTS

.....
Mr. D.P. Palodkar, Advocate for petitioners
Mr. B.A. Shinde, AGP for respondent No. 1
Mr. J.R. Shah, Advocate for respondent Nos. 2 to 4
.....

**CORAM : S. V. GANGAPURWALA AND
K.K. SONAWANE, JJ.**

DATED : 4th MAY, 2016.

Order :-

1. Mr. Palodkar, learned counsel for petitioners submits that though the property of the petitioners has been demolished no acquisition proceedings have been initiated. According to Mr. Shah, learned counsel for respondents No. 2 to 4, the petitioners have voluntarily given possession of their properties. The petitioners are also offered TDR or FSI, but they are not ready to accept the same.

2. If the property of any individual is taken in possession by the Corporation, the same has to be by due process of law. If by private agreement the parties are not in a position to arrive at any consensus then the respondent - Corporation has to initiate acquisition proceeding even as per section 126 of the Maharashtra Regional Town Planning Act, 1966.

3. Considering the above, we pass the following order.

(a) In case parties do not arrive at any agreement with regard to compensation then respondent - Corporation and authority concerned shall initiate acquisition proceedings in respect of the properties taken in possession, as expeditiously as possible, preferably within a period of six months from the date of order.

(b) So far as rental compensation is concerned, the petitioners are at liberty to put forth their claim before appropriate authority.

(c) Needless to state that respondents will have to adhere to the provisions of the relevant statute in initiating and completing the acquisition proceedings, failing which the petitioner may invoke their rights as are permissible in law.

4. Writ petition stands disposed of. No costs.

Sd/-

[K. K. SONAWANE, J.]

Sd/-

[S. V. GANGAPURWALA, J.]

MTK