

1. Mr. Bajaj, learned counsel for petitioners submits that land of the petitioners bearing Survey No. 169/1/A/1 to the extent of 18 *Aar* and land survey No. 169/1/A/2 to the extent of 27 *Aar* situated at Mehrun, Jalgaon, District Jalgaon is under reservation of the draft development plan for proposed 30 meters D.P. road. Said plan is sanctioned in the year 2002, as no steps were taken for acquisition of land, the petitioners had issued notice under section 49 of the Maharashtra Regional Town Planning Act, 1966. The petitioners also issued notice under section 127 of the Maharashtra Regional Town Planning Act, 1966 on 28-01-2013, still no steps are taken for acquisition. Respondent No. 4-Jalgaon City Municipal Corporation (for short "Corporation") has communicated to the petitioners on 13-02-2013

about granting TDR in lieu of compensation. The petitioners are not ready to accept the TDR. According to learned counsel, as per provisions of Section 127 of the Maharashtra Regional Town Planning Act, 1966, no steps are taken for acquisition of the land of petitioners, within a period of one year said acquisition is lapsed.

2. Mr. Bajaj, learned counsel for petitioners, on instructions, in alternate states that if respondents are ready to pay monetary compensation as per market value of said land under reservation for D.P. Road, the petitioners are ready to accept the same.

3. Mr. Patil, learned counsel for respondent – Corporation on instructions states that land of the petitioners under reservation is required for D.P. Road and the road is constructed up to property of the petitioners. According to Mr. Patil, learned counsel, the respondent – Corporation would send the proposal for acquisition of the land to the Special Land Acquisition Officer, within a period of three months from the date of this order.

4. The land of the petitioners is reserved for D.P. Road and work of D.P. Road has commenced though may not have been undertaken in the land of the petitioners and as petitioners have shown their inclination to accept the monetary compensation, we pass the following order:

Respondent – Corporation shall forward the proposal for acquisition of petitioners land from Survey No. 169/1/A/1 and land survey No. 169/1/A/2 under reservation of D.P. Road within a

period of three (03) months.

The Special Land Acquisition Officer on receipt of the proposal from respondent – Corporation shall initiate land acquisition proceedings, as expeditiously as possible, preferably within a period of three (03) months from the date of receipt of said proposal and shall complete the same as stipulated in Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Respondent-Corporation shall make compliances, necessary for issuance of notification under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 within stipulated period.

5. With aforesaid observations and directions, writ petition stands disposed of. No costs.

Sd/-
[K. K. SONAWANE, J.]

Sd/-
[S. V. GANGAPURWALA, J.]

MTK