

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

Civil Application No. 8152 of 2015
(In Writ Petition No. 7229 of 2013)

District : Jalna

The Municipal Council, Jalna,
Through its Chief Officer, Jalna,
Taluka & District : Jalna.

.. Applicant.

versus

1. Damodar s/o. Ramchandra Yadkikar,
Age : 81 years,
Occupation : Pensioner,
R/o. Gokul, Khadkeshwar, Aurangabad.

2. The Deputy Director,
Town Planning Department,
Aurangabad Division,
Aurangabad.

.. Non-applicants.

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Mr. Amit S. Deshpande, Advocate, for the applicant.

Mr. A.A. Yadkikar, Advocate, for non-applicant no.1.

*Mr. V.D. Rakh, Asst. Government Pleader, for
non-applicant no.2.*

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**CORAM : S.V. GANGAPURWALA &
A.M. BADAR, JJ.**

DATE : 26TH FEBRUARY 2016

COURT'S ORDER *(Per S.V. Gangapurwala, J.) :*

1. The present application is filed for modification of the order dated 11-11-2014 passed in Writ Petition No. 7229 of 2013. Vide the said order, present applicant was directed to pay compensation. It was directed to pay Rs. 7,50,000/- to present non-applicant no.1 (writ petitioner) within a period of six weeks from the date of the said order and the proposal was directed to be forwarded to the District Town Planning Officer within two weeks. They were directed to determine the market value of the land within further period of ten weeks.

2. The learned Counsel for the applicant states that the applicant is facing financial crises. As such, the applicant is not in a position to pay the compensation amount. Instead, it is ready to pay compensation in the form of T.D.R. The liabilities of the applicant are spelt out in the application.

3. Mr. Yadkikar, the learned Counsel for non-applicant no.1 (writ petitioner) submits that the order is passed prior to one and half year. As yet, the present non-applicant has not seen colour of the currency. Though the applicant was directed to deposit Rs. 7,50,000/- within a period of six weeks from the date of the said order, as yet, no amount is paid nor any further steps are taken. Considering the reasons put forth by the applicant, the non-applicant is ready to accept the T.D.R. The applicant shall provide highest possible T.D.R. to the present non-applicant within a month from today.

4. Considering the fact that the present non-applicant is ready to

accept the T.D.R., we modify the order dated 11th November 2014, passed in Writ Petition No. 7229 of 2013. Instead of compensation amount to be paid and the amount of market value to be determined, as directed vide the said order, the present applicant - Municipal Council, Jalna, shall pay compensation to non-applicant no.1 (writ petitioner) in the form of T.D.R. The said exercise shall be done expeditiously and preferably within a period of one month from today. The said T.D.R. will have to be offered as per the rules to the non-applicant.

5. The Civil Application is allowed in the above terms. No costs.

(A.M. BADAR)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

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