

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

Writ Petition No. 5069 of 2011

District : Beed

Mangesh s/o. Rameshwar Tendulkar,
Age : 73 years,
Occupation : Pensioner,
R/o. : "Sadanand", Adarsha Nagar,
Pangri Road, Beed,
Taluka & District : Beed.

.. Petitioner.

versus

1. The State of Maharashtra,
through Secretary,
Department of Revenue,
Mantralaya, Bombay - 32.
2. The Collector, Beed,
District : Beed.
3. The Municipal Council,
Beed,
Through its Chief Officer,
Taluka & District : Beed.
4. The Deputy Director,
Town Planning,
Near Baba Petrol Pump,
Aurangabad,
Taluka & District : Aurangabad.
5. Town Planner, Beed,
Near Hotal Kashmira,
Bashir Ganj, Beed,
Taluka & District : Beed.

.. Respondents.

.....

Mr. Raghuraj V. Deshmukh, Advocate, for the petitioner.

*Ms. S.S. Raut, Asst. Government Pleader, for
respondent nos.1, 2, 4 and 5.*

Respondent no.3 served (Absent).

.....

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

DATE : 11TH JANUARY 2016

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

1. We have heard the learned Counsel for the petitioner and the learned Asst. Government Pleader for respondent nos.1, 2, 4 and 5. None for respondent no.3 though served.

2. According to the petitioner, area of about 2889 Square Metres was handed over to the Municipal Council under an agreement. The said agreement contains a recital that the land is required for 12 metre wide road (i.e. 2889 Square Metres) for Site No.16 to Pangri Road. The possession is taken in the year 1983. The valuation was determined at Rs. 300/- per Square Metres. The petitioner is paid compensation for area of 1412.57 Square Metres on 5th July 1997. The Municipal Council agreed to pay compensation for the said area. The petitioner is paid only Rs. 2,00,000/-. However, remaining amount of Rs. 2,23,701/- is not paid. In the year 1999 also, the petitioner made a grievance before the Collector who directed the Municipal Council to pay compensation of the residential portion of the land taken up for the road to the land owner. The learned

Counsel for the petitioner submits that the petitioner was continuously persuading the Municipal Council for payment of the same. Up to 2010, the same is not paid. As such, the present petition is filed.

3. The learned Asst. Government Pleader submits that the land that is acquired for the DP Road has been compensated. The remaining land was already a part of the sanctioned layout and was a part of the internal road. According to the learned Asst. Government Pleader, there was no question of payment of compensation for the said area.

4. We have considered the rival submissions. We have also gone through the agreement which is produced on record. It is not disputed that the petitioner has received compensation for an area of 1412.57 Square Metres of land. As per the agreement, there is nothing to show entitlement of the petitioner for compensation of the remaining land. Explanation has been given by the respondent as to how the compensation amount has been paid.

5. Considering the aforesaid aspect of the matter, no interference is called for. The Writ Petition is accordingly disposed of. No costs.

(A.M. BADAR)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

.....