

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.540 OF 2016

Darshansingh s/o Indersingh Sodhi

Petitioner

Versus

The Municipal Corporation & another

Respondents

Mr.P.N.Sonpethkar, advocate for the petitioner.

Mr.J.R.Shah, advocate for Respondent No.1.

Mr.A.R.Kale, advocate for Respondent No.2.

CORAM : R.M.BORDE &

K.L.WADANE, JJ.

DATE : 19th July, 2016

PER COURT:

1 The petitioner is praying for issuance of directions to the Respondents to award compensation in respect of an area admeasuring 276 square meters affected by the development plan.

2 The petitioner had earlier approached this Court by presenting Writ Petition No.2882/2010. The Division Bench of this Court had adopted a view that petitioner may avail alternate remedy of filing civil suit; and as such, permitted petitioner to withdraw the petition with liberty to file suit. Accordingly, Regular Civil Suit No.535 of 2010 came to be presented by the petitioner claiming compensation for open space and road to the extent of 2893 square meters out of S.No.176 Part, Harsul, taluka and district Aurangabad, as per market rate.

3 The aforesaid area to the extent of 2893 square meters

is handed over to the Corporation under the Relinquishment Deeds executed on 11.06.2004 and 22.06.2004. One of the relinquishment deeds refers to an area to the extent of 2389 square meters, whereas, another relinquishment deed relates to 504 square meters' land. The petitioner, as such, claims compensation in respect of area covered by both the relinquishment deeds, particularly 2893 square meters.

4 The suit presented by the petitioner came to be dismissed by the Civil Judge, Senior Division, Corporation Court, Aurangabad, by judgment and order dated 06.04.2011. The appeal, bearing Regular Civil Appeal No.390 of 2012, presented by the petitioner, challenging decision passed by the trial Court, is also stated to have been dismissed by District Judge-1, Aurangabad, on 29th September, 2014.

5 In this view of the matter, instant petition presented by the petitioner claiming compensation in respect of an area, which was a subject matter of adjudication before the Civil Court, is not maintainable. Writ Petition is devoid of substance.

6 Writ Petition stands dismissed.

K.L.WADANE
JUDGE

adb/wp54016

R.M.BORDE
JUDGE