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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8777 OF 2014**

Shri. Ajit Babaso Sasne

... Petitioner

Versus

Kolhapur Municipal Corporation and Anr.

... Respondents

Mr. Yuvraj P. Narvankar for the Petitioner.

Mr. A.I. Patel, AGP for the Respondent No.2.

**CORAM : A.S. OKA &
C.V. BHADANG, JJ.**

DATE : 1st FEBRUARY, 2016

PC.

1 Heard the learned counsel appearing for the Petitioner. A resolution was passed by the Standing Committee of the Kolhapur Municipal Corporation on 4th July, 1992. The resolution records that the possession of the land subject matter of this Petition which was reserved for playground and public garden has been handed over to the Municipal Corporation by the owner Shri Pandurang Piraji Sasne. By the said resolution the valuation of the said land made by an officer of the Municipal Corporation was accepted which was at the rate of Rs.124/- per square meter.

2 The document annexed as Exhibit-C shows that the possession was handed over by the said Shri Pandurang Piraji Sasne on 4th December, 1991. It appears that on 18th November, 2008 an application was made to the Municipal Commissioner by the sons of the said Shri Pandurang Sasne contending that an additional amount by way of solatium and interest as per the amended Land Acquisition Act, 1894 be paid to them. It appears that from the communication dated 14th September, 2010 (Exhibit-E to the Petition) issued by the Kolhapur Municipal Corporation to the sons of the said Shri Pandurang Sasne that the said Pandurang accepted the compensation calculated at the rate of Rs.124/- per square meters and 10% solatium on 31st March, 1993. There is nothing on record to show that the said Pandurang made any grievance regarding the said amount. The letter dated 3rd June, 2011 addressed by the Kolhapur Municipal Corporation to the Principal Secretary (1) of the Urban Development Department of the State Government records that a sum of Rs.9,18,716/- as compensation and a sum of Rs.91,871.60/- as solatium determined as of 25th August, 1992 has been already paid to Shri Pandurang. Thus, it appears that in the year 1993, the said Pandurang, in terms of the resolution of the Standing Committee dated 4th July, 1992 accepted the compensation. It is not the case of the Petitioner that during his lifetime Shri Pandurang made any grievance whatsoever about the quantum of compensation

without any protest. As stated earlier, Shri Balkrishna and Shri Babaso, sons of Pandurang, for the first time on 18th November, 2008, made an application to the Municipal Commissioner for grant of additional compensation. The present Petition is filed by the Petitioner who is the son of the said Shri Babaso Sasne.

3 Thus, the compensation in terms of resolution dated 4th July, 1992 passed by the Standing Committee of the Kolhapur Municipal Corporation was accepted in the year 1993 by the original owner. During his lifetime, the original owner Shri Pandurang did not make any grievance about insufficiency of the said amount. The grievance about insufficiency has been made 15 years thereafter by the sons of the said Pandurang.

4 Hence, this is not a fit case where the Petitioner should be allowed to invoke Writ Jurisdiction under Article 226 of the Constitution of India. Writ Petition is rejected.

(C.V. BHADANG, J)

(A.S. OKA, J)