

**IN THE HIGH COURT OF JURICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4449 OF 2014

Shri. Jeevan Latkar & Ors.

... Petitioners

V/s.

State of Maharashtra & Ors.

... Respondents

Mr. Siddharth Wakankar for the Petitioner.

Ms. N.M. Mehra, AGP for the Respondent No.1.

Mr. A.P. Kulkarni for the Respondent No.2.

CORAM : A.S.OKA &

SMT. VIBHA KANKANWADI, JJ.

DATE : 07th JULY, 2017

P.C.:

. The learned Counsel appearing for the Petitioner tenders across the bar a letter dated 14th August 2016 addressed to him by the Petitioners. It is taken on record and marked "X" for identification. He states that out of the two lands subject matter of this petition, in respect of the land bearing Survey No. 68 at village Baner, Taluka Haveli, District Pune a proposal has been already submitted by the Petitioners to the second Respondent for grant of TDR. He states that in respect of the land bearing Survey No. 69/1, the Petitioners will submit a proposal for grant of TDR within a period of four weeks from today. He states that if TDR in respect of the said lands affected by the reservation for the Development Plan Road is granted in accordance with the relevant Development Control Regulations, the Petitioners have no objection for the Pune Municipal Corporation taking over the possession of the said lands which are covered by the reservation for the Development Plan Road without taking recourse to the

acquisition proceedings.

2 We accept the said statement. In the event, the applications made by the Petitioners for grant of TDR are rejected, the second Respondent will have to acquire the lands covered by Development Plan Road reservation in accordance with law. As stated in the paragraph 13 of the petition, the Petitioners have no objection for acquiring the said lands in accordance with law in the event the prayer for grant of TDR is not granted.

3 Hence, we need not keep the petition pending and the same is disposed of by passing following order:-

ORDER

- i) We accept the statement made by the Petitioners that an application for grant of TDR in respect of Survey No. 68 is already pending with the second Respondent and that an application for grant of TDR in respect of survey No. 69/1 will be made by the Petitioners with the second Respondent within a period of four weeks from today;
- ii) Pending application in respect of Survey No. 68 shall be decided by the second Respondent as expeditiously as possible and in any event, within a period of 180 days from today. The application which may be made by the Petitioners in respect of Survey No. 69/1 shall also be decided by the second Respondent within a period of 180 days from the date of filing of the said application;
- iii) The second Respondent is hereby restrained from disturbing the possession of the Petitioner over the lands bearing Survey Nos. 68 and 69/1 situated at village Baner, Taluka Haveli, District Pune without following due process of law. This protection will automatically come to an end, when certificates granting TDR are

issued to the Petitioners in respect of the aforesaid lands;

- iv) In the event, the applications made by the Petitioners for grant of TDR are rejected, it will be open for the second Respondent/Municipal Corporation to acquire the said lands in accordance with law;
- v) We record here that in view of the averments made in paragraph 13 of the petition, the Petitioners have no objection for the second Respondent adopting the said course;
- vi) In the event the Petitioner and the second Respondent arrive at some understanding, we grant liberty to the second Respondent to move this Court for modification of this order.

(SMT. VIBHA KANKANWADI, J.)

(A.S.OKA, J.)