

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

WRIT PETITION NO. 4901 OF 2016

Mr. Aniket Vijay Bhawe & Anr.

..Petitioners

v/s.

Vasai Virar Municipal Corporation
& Ors.

..Respondents

Mr. S.D.Patil i/b. Anusha P. Amin for the Petitioner .

Mr. A.G.Damle, Sr. Advocate i/b. Ms. Swati Sagvekar for the
Respondent nos.1, 2 and 5.

Mr. P. G. Sawant for Respondent No.6.

Mr.S.R.Rajguru a/w. Arun Kumar Roy for the Respondent No.7.

Mr. Ajay Khaire i/b. The Law Point for the Respondent nos.3 and 4.

CORAM : RANJIT MORE &

SMT. ANUJA PRABHUDESSAI,JJ.

DATED : 21 DECEMBER, 2017.

P.C.

1. We have heard the learned Counsels for the respective parties.

On behalf of respondent no.1, Mr. Sanjay Jhagtap, Municipal Engineer has filed an affidavit dated 20th December, 2017. In paragraph 3 of the affidavit following averments are made:

“I say that there was joint meeting conducted between

the parties to the present petition, wherein all the issues raised in the petition and grievances of the parties were discussed. In the said meeting it was decided that the process of acquisition which has been initiated shall be taken ahead. It was further decided that since there is a dispute pending before the Civil Judge, Senior Division, Vasai pertaining to the title of the said land, it was decided that the parties will abide by the decision of the court and compensation shall be given to the party who shall be in position to prove his title pertaining to the said land. Hereto annexed and marked "Exhibit A" is the copy of the minutes dated September 30, 2016. I say that pursuant to the same, this respondent has also issued a letter to the petitioner, which is hereto annexed and marked "Exhibit B"

2. The above averments show that the respondent no.1 Municipal Corporation is ready and willing to pay compensation to the persons whosoever are declared to be the owner of the subject property.

3. In view of the above, Mr. Patil, learned Counsel for the petitioner submits that his grievance made in the petition no more survives. He, however, submits that the construction of the fly over bridge is undertaken without acquisition of the subject land by

MMRDA. He submits that MMRDA may be directed to initiate proceeding for acquisition of the subject land. We find merit in the contention of the petitioner, as without acquisition, compensation of the subject land cannot be decided.

4. Be that as it may, Mr. Damle, learned Sr. Counsel for the respondent no.1 makes a statement that the process for acquisition of the land is already initiated and appropriate steps would be taken in this regard jointly by the respondent no.1 and MMRDA.

5. Statement accepted.

6. Subject to above, the petition is disposed of. Ad-interim relief, granted earlier, stands vacated.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)