

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7115 OF 2016

Paresh Pravinchandra Shah .. Petitioner
V/s
The Commissioner
Nashik Municipal Corporation & Ors. .. Respondents

Mr. Tushar Sonawane i/b Mr. P.S. Hagare for the petitioner.
Mr. P.P. Kakade, AGP for the respondent – State.

**CORAM: DR. MANJULA CHELLUR, CJ. &
G.S. KULKARNI, J.**

DATE : 2nd FEBRUARY 2017

P.C.:

The petitioner claims to be the owner of the property being Survey No. 700, Final Plot No. 428 admeasuring 6630 sq. mtrs. out of 2 hectares 09 ares situated at Nashik in the territorial limits of the Nashik Municipal Corporation. This property was subject matter of acquisition by the Nashik Municipal Corporation for the purpose of “Goda Park”. It was accordingly acquired under an Agreement dated 25/2/2003 entered between the petitioner and the Nashik Municipal Corporation.

2. The petitioner has contended that though the agreement has been executed between the petitioner and the Nashik Municipal

Corporation, the petitioner has been deprived of the land and the amount of compensation, as agreed to be paid to the persons under the said agreement. The petitioner has accordingly made several representations to the Municipal Corporation in this regard, despite the same the amount of compensation has not been paid. The last of such representation, as made by the petitioner, is dated 21/7/2010. This petition, however, has been filed in 2016.

3. Considering the above facts and in the interest of justice, we are of the opinion that this petition be disposed of, by permitting the petitioner to submit a fresh representation to the Nashik Municipal Corporation making a necessary request for release of amount of compensation as payable under the abovesaid agreement. Such representation be made by the petitioner within a period of 2 weeks from today. If such representation is made, the Nashik Municipal Corporation is directed to consider and decide the same in accordance with law within a period of 6 weeks from its receipt.

4. The petition is disposed of in above terms. No costs.

(G.S. KULKARNI, J.)

CHIEF JUSTICE