

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10101 OF 2015

Shri Babulnath Banarasilal Sharma and others... Petitioners.
V/s.
Pimpri Chinchwad Municipal Corporation
and others. ... Respondents.

S.V.Sadavarte for the petitioners.

Sandeep Marne for respondent Nos.1 and 2.

PG.Sawant, AGP for respondent Nos.3 and 5 to 8.

**CORAM : DR.MANJULA CHELLUR, C.J.
AND G.S.KULKARNI, J.**

DATE : 13th April 2017.

PC. :

There are total 10 petitioners who came before this Court challenging the acquisition of their lands for First Rapid Transit System Road (FRTSR) pertaining to Pimpri Chinchwad Municipal Corporation. During the pendency of this petition, the acquisition proceedings are completed and so far as petitioner Nos.1 to 4 are

concerned, the entire land is acquired and compensation is determined in terms of contested award dated 20th August 2016. So far as petitioner Nos.7 to 10 are concerned, portions of the lands were acquired under compulsory acquisition and rest of the portions were to be taken over in terms of the agreement. So far as petitioner Nos.5 and 6 are concerned, there seems to be some dispute with regard to the boundaries of the lands in question, however, now it is decided that the lands of petitioner Nos.5 and 6 are required for formation of the road and the proceedings will be taken up. Depending upon the negotiations, it would be either by compulsory acquisition or by consent agreement.

2. Since in the earlier petition i.e. Writ Petition No.11831/2015 we have opined that the petitioners who have taken contested awards can approach approach the respondent- authorities with representation to treat their case on par with the case of the petitioners who have taken consent award, we direct that present petitioner Nos.1 to 4 to approach the concerned authority with such representation within 10 days from today, which shall be considered by the authority within 15 days from the date of its submission. Depending upon the outcome of the representation, the said petitioners are entitled to file application in terms of section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for reference

within four weeks from the date of decision and, at that stage, the said application shall be considered without touching the issue of limitation.

3. The status-quo order is vacated and the consequences of the award passed will follow so far as possession of the lands is concerned.

4. With the aforesaid observations, writ petition is disposed of.

(G.S.KULKARNI, J.)

CHIEF JUSTICE