

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10343 OF 2013

Shri Annaray Shivputra Biradar.	]	... Petitioner
Versus		
Chief Executive Officer, Pimpri Chinchwad	]	
New Town Development Authority Office.	]	... Respondent

Mr. Jaydeep Deo for Petitioner.
Mr. Rajesh More for Respondent.

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

DATE :- FEBRUARY 13, 2017

P. C. :-

1. According to the petitioner, though he had initially entered into a development agreement with the original owner in respect of the land in question i.e. land bearing Gat No.62 (Old Gat No.1182), subsequently he had got a Sale Deed executed in his favour under the Power of Attorney said to have been executed by the owner under the Sale Deed dated 12/07/2011.

2. According to him, a portion of more than 5 Ares out of 15 Ares came to be taken away for formation of a road with a promise to give an alternate land. It is further contended that without paying compensation or giving alternate land, the land measuring 5 Ares was formally taken away from the petitioner, which is categorically denied by the respondents - authority.

3. According to the respondent - authority, the petitioner has no *locus stadi* to prefer this writ petition since he is only a developer of the land and so-called 'Sale Deed of 2011' came to be executed by the Power of Attorney itself. The acquisition of land was for formation of a road in Pimpri Chinchwad New Town. There is no dispute that a portion of Gat No.62 was taken away for formation of a road in the above-said new town.

4. Whether the present petitioner is entitled for an alternate land being a person having interest in the land at least by virtue of development agreement with the original owner or an absolute owner by virtue of the alleged Sale Deed, is a question to be decided. The fact remains that the respondent - authority cannot escape from giving an alternate land or compensation amount on the ground of *locus standi*. We are of the opinion that the respondent - authority has to either give compensation or an alternate land to whomsoever they think are entitled for claiming such benefit. We direct the respondent - authority to treat the writ petition as a representation of the petitioner and dispose of the same by giving an opportunity of hearing to the petitioner and pass appropriate order within three months from today.

5. The writ petition is disposed of in the aforesaid terms.

(G. S. KULKARNI, J.)

(CHIEF JUSTICE)