

Sharayu.

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

WRIT PETITION NO. 10336 OF 2017

Mr. Sopanrao Marutrao Mahangade ...Petitioner

Versus

The State of Maharashtra & Ors. ...Respondents

Mr. M.V. Thorat, for the Petitioner.

Mr. N.C. Walimbe, AGP, for Respondent Nos. 1 & 8.

Mr. Amol Gatne, for the Respondent Nos. 2 to 5.

**CORAM : SMT. VASANTI A NAIK AND
 RIYAZ I. CHAGLA, JJ.**

DATE : 8 November 2017

ORDER :

By this writ petition, the petitioner seeks a direction against the respondents-authorities to forthwith restore the land of the petitioner to its original form. The petitioner has sought action against the respondents-authorities that have utilized the land of the petitioner for construction of the road without the acquisition of the same.

According to the petitioner, the land of the petitioner is utilized by the municipal

council for construction of the nine feet wide road without initiating any acquisition proceedings. It is submitted that the construction of the road is completed on 1st September 2016 but the respondents have not paid any compensation to the petitioner towards the utilization of the land by taking recourse to the relevant law.

Mr. Gatne, the learned counsel for the municipal council states on instructions from the Chief Officer of the municipal council, Panchgani vide communication dated 4th November 2017 that the municipal council is not willing to return the land to the petitioner. It is stated that since it is necessary for the municipal council to maintain the road having width of nine feet, the municipal council is ready to acquire the land of the petitioner.

Since the land of the petitioner is utilized by the municipal council for the construction of the road and since the municipal council is ready to acquire the land of the petitioner and the petitioner is also willing to accept the compensation towards the acquisition of the land, we dispose of the writ petition with a direction against the respondents to take immediate steps under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for acquiring the land of the petitioner and pay the compensation to the petitioner in accordance with law. We direct the respondents to initiate the proceedings for acquisition of the land of the

petitioner under the Act of 2013 within a period of four months.

Order accordingly. No costs.

[RIYAZ I. CHAGLA J.] [SMT. VASANTI A NAIK, J.]