

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.**

WRIT PETITION NO. 4127 OF 2017

Smt. Vandana W/o Kanhyalal Shardul ... Petitioner

VERSUS

State of Maharashtra & Ors. ... Respondents

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Mr Sandeep N. Lute, Advocate for the petitioner
Mr S. G. Karlekar, AGP for respondent Nos. 1 to 3
Mr S. S. Dande, Advocate for respondent No. 4

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**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATE : 28TH MARCH, 2018.

ORDER :

1. Mr. Lute, the learned counsel for the petitioner submits that, the acquisition proceedings initiated pursuant to the Notification u/s 32(2) of the Maharashtra Industrial Development Act, 1961, is bad in law. The learned counsel submits that, the petitioner had purchased the writ property in November-2012 under the registered Sale Deed and thereafter has erected the Industry. The respondents are acquiring the property for industry purpose only. The petitioner is using the property for the same purpose. The property deserves to be excluded. The petitioner has made huge investment and improvement on the writ land. The learned counsel, in alternate, submits that, the market rate should be computed as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. Mr Dande, the learned counsel for the MIDC submits that, all notifications are issued and the authority has to pass an award if the petitioner is not ready for negotiation. As per the scheme, the road passes through the land of the petitioner.
3. We have heard the learned Assistant Government Pleader.
4. Land acquisition for public purpose cannot be stopped at the instance of individual. The principle of *salus populi suprema lex* would apply.
5. Naturally, if the negotiation fails, the award will have to be passed considering the market rate as per Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, more particularly, as the award is not yet passed.
6. The writ petition is accordingly disposed of. No costs.

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde