

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

WRIT PETITION NO. 9143 OF 2016

Pravin Vishwanath Khalatkar .. Petitioner

Versus

The Union of India and others .. Respondents

Shri Ramraje A. Deshmukh, Advocate for the Petitioner.

Shri S. B. Deshpande, A.S.G. for the Respondent No. 1.

Shri D. S. Manorkar, Advocate for the Respondent No. 2.

Shri K. S. Patil, A.G.P. for Respondent Nos. 3 and 4.

**CORAM : S. V. GANGAPURWALA AND
R. G. AVACHAT, JJ.**

DATE : 27TH NOVEMBER, 2018.

FINAL ORDER :

. Mr. Deshmukh, the learned counsel for the petitioner submits that, the petitioner would press the present writ petition only to the extent of non grant of compensation for the land under the service road and for other reliefs the petitioner would approach the Competent Authority under the Statute.

2. Mr. Deshmukh, the learned counsel for the petitioner submits that, the land of the petitioner is acquired for National Highway to the extent of 500 square meters. The land is situated within Gram Panchayat area of village Alani. According

to the learned counsel, the petitioner is entitled for the compensation of the land affected under the service road.

3. The service road is different from internal road. The service road is meant for the use of the public at large. According to the learned A. G. P., the said service road is required to be handed over to the Planning Authority at nominal sum of Rs. 1/-. The learned A. G. P. relies upon regulation 13.2.3.3 of the Standardised Development Control and Promotion Regulations for Municipal Councils and Nagar Panchayats in Maharashtra Published vide Notification dated 21.11.2013 by the Government of Maharashtra in urban Development Department.

4. We have heard the learned counsel for the petitioner and the learned counsel for respondents.

5. The regulations relied by the respondents may not be applicable in the present case, as the said regulations are made applicable to the areas under the A, B and C Class Municipal Councils, Nagarpanchayats and non municipal towns. The writ land is situated under the Grampanchayat.

6. In the light of that, we need not enter into the legality of the said regulations.

7. Considering all the aforesaid aspects cumulatively, we pass following order.

8. The respondents shall pay the compensation to the petitioner determined and retained for service road. The said amount shall be paid expeditiously and preferably within a period of four months. As far as other reliefs are concerned, the petitioner may approach the competent authority under the Statute. In that regard all contentions of respective parties are kept open. The writ petition is disposed of. No costs.

[R. G. AVACHAT, J.]

[S. V. GANGAPURWALA, J.]

bsb/Nov. 18