

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.10301 OF 2012

Damodhar s/o Khema Toke,
Age-73 years, Occu:Pensioner,
R/o-Plot No.27, Ramdas Colony,
Jalgaon, Dist-Jalgaon.

...PETITIONER

VERSUS

- 1) Municipal Corporation, Jalgaon,
Through its Commissioner,
Jalgaon,
- 2) State of Maharashtra,
Through Secretary,
Urban Development Department,
Mantralaya, Mumbai-32,
- 3) Assistant Director of Town Planning,
Jalgaon, Dist-Jalgaon,
- 4) Assistant Director of Town Planning,
Municipal Corporation of Jalgaon,
Jalgaon, Dist-Jalgaon.

...RESPONDENTS

...

Mr.S.V. Natu Advocate for Petitioner.
Mr.P.R. Patil Advocate for Respondent
Nos.1 and 4.
Mr.S.B. Yawalkar, Additional Government
Pleader for Respondent Nos. 2 and 3.

...

**CORAM: S.S. SHINDE AND
S.M. GAVHANE, JJ.**

DATE OF RESERVING JUDGMENT : 6TH APRIL, 2018.

DATE OF PRONOUNCING JUDGMENT: 11TH APRIL, 2018.

JUDGMENT [PER S.S. SHINDE, J.] :

1. Rule. Rule made returnable forthwith and heard finally with the consent of the learned counsel appearing for the parties.

2. This Petition under Article 226 of the Constitution of India is filed with following substantive prayer:-

"B) Rule may kindly be made absolute by issuing writ of mandamus or any other appropriate writ or directions in like nature, the respondents be directed to pay the compensation for 30 mtrs. wide DP road affecting land Gat No.152/4/1+2 of the Petitioner to the extent of 2677.50 sq. mtrs. situated at Pimprala, Jalgaon, by following provision of Land Acquisition Act, 1872 or the

Maharashtra Regional & Town Planning
Act, 1966."

3. Referring to the pleadings and grounds taken in the Petition, learned counsel appearing for the Petitioner submits that the Petitioner is the owner and possessor of land Gut No.152/4/1+2, ad-measuring 2H 06 R, situated at Pimprala, Jalgaon (hereinafter referred to as "the said land") which was purchased by the Petitioner vide registered sale deed dated 31st March, 1982. Subsequently the Petitioner has been granted permission for the conversion of the said land for "Non Agriculture" use by the District Collector, Jalgaon vide order dated 30th April, 1986. The revised layout for the said land was also sanctioned by the competent authority by order dated 14th August, 1986. When the land was purchased by the Petitioner, it was not within the municipal limits of the then Municipal Council, Jalgaon, which was subsequently included by Respondent No.2 by extending the municipal limits

by issuing notification dated 11th September, 1987. However, on the date of sanctioning of layout plan the said land was part of peripheral area and became part of Draft Regional Plan, which was sanctioned by the Government of Maharashtra thereafter.

4. Learned counsel further submits that, as per the peripheral area zone plan of Regional Plan, the said land was affected by 30 meter wide Regional Plan Road to the extent of 2677.50 Sq. Meter which has to be kept for the said purpose by the Petitioner while sanctioning the layout plan by the competent authority. The said 30 meter wide road was thereafter incorporated in the Development Plan of Jalgaon city. At the time of sanctioning of the road and almost up-to 2001 and even thereafter, the said road was not being used by the public at large, as the locality was least developed and still being far way from the main city. The Petitioner submitted a letter dated 12th

December, 2001 to the then Chief Officer, Municipal Council, Jalgaon seeking information as to whether the part of said land left for 30 meters DP Road will be used for the said purpose or not, as till that time the road was not being used nor it was acquired by the Municipal Council.

5. Learned counsel further submits that as the Petitioner did not receive any payment of compensation, he submitted letters dated 5th October, 2004, 25th March, 2007 and 4th December, 2007, seeking acquisition and compensation of his land for the DP Road. The Petitioner also submitted representations to Respondent No.2. Vide letter dated 25th March, 2007, the Petitioner sought TDR in the alternative to the compensation. It is submitted that vide letter dated 22nd February, 2008, for the first time, Respondent No.1 informed the Petitioner that as the said road is in existence prior to 1987, the Petitioner's claim for the compensation or grant of TDR cannot

be considered as per Rule No.11 of the TDR Rules. After the receipt of said letter, Petitioner immediately did not take any action, as part of the land belonging to the Petitioner, affected by DP Road, was not being used and was in possession and ownership of the Petitioner.

6. It is further submitted by learned counsel that though grant of TDR was rejected in case of Petitioner on the ground that the road was allegedly in existence prior to 1987, however in similar case of Jagruti Cooperative Housing Society, Jalgaon, Respondent No.1 granted TDR towards compensation in October, 2010, though layout was sanctioned prior to 1987 and road was shown therein. It is submitted that vide letter dated 14th February, 2012 the Petitioner sought permission for modification of layout sanctioned on 14th August, 1986, wherein additional plot No.51 ad-measuring 102 sq. meters was carved out as the Petitioner had left more than 10% of the

said land for open space. In number of cases wherein the owners who had left more than 10% area for open space in layout, for the area more than 10%, Respondent No.1 has sanctioned additional plots for such area, however, in case of the Petitioner the permission for modification was rejected vide letter dated 9th May, 2012, on baseless grounds.

7. Learned counsel further submits that Respondent No.1 refused the modification as well as grant of TDR in lieu of payment of compensation to the Petitioner. The stand taken by the Municipal Corporation is absolutely illegal as Rule No.11 on which Respondent No.1 relied upon, is irrelevant for the consideration of claim of the Petitioner so far as payment of compensation is concerned. Respondent intend to construct and use DP road without following due procedure of law i.e. without payment of compensation to the Petitioner, which is not permissible. Because of

30 meter wide DP road, the entire plot was bifurcated, however the portion on one side was very small, wherein Petitioner had to leave open space and the plots adjoining to the road on other side became of uneven size, thus drastically reducing the better economic prospects.

8. Learned counsel further submitted that it is for the Respondents to decide who is liable to pay the compensation, by initiating the acquisition proceedings. The act of the Respondents in avoiding to pay the just and legal compensation to the Petitioner is unfair, arbitrary and hence violative of Article 14 of the Constitution of India. Learned counsel appearing for the Petitioner submits that the Petitioner is pursuing the concerned Respondent Authorities from the year 2001 for redressal of his grievance and therefore there is no delay in approaching to the Respondents as contended by the counsel appearing for the Respondent Corporation. In support of his

submissions, learned counsel placed reliance upon the exposition of law in the case of *Tukaram Kana Joshi vs. Maharashtra Industrial Development Corporation*¹. Learned counsel therefore, submits that the Petition deserves to be allowed.

9. On the other hand, learned counsel appearing for Respondent No.1 Municipal Corporation submits that initially the land of the Petitioner was part and parcel of Jalgaon Bhusawal Regional Plan. The thirty meter wide road was shown from Gut No.152/4/1+2 situated within the limits of village Pimprala. On 30th April, 1986, revenue department granted non agricultural permission for residential purpose. By notification dated 11th February, 2002 the development plan for the additional area of Jalgaon Municipal Council was sanctioned. In the said development plan also thirty meter wide road was shown and it was in existence prior to 1987. As per non agricultural permission, it was

1 2013(1) SCC 353

incumbent upon the Petitioner to develop the roads and hand over it to the planning authority. The Development Control Rules (DCR) came into force from 13th September, 2012. The notification dated 18th January, 2003 prescribes in Rule 11 that the roads which are existing before 1987 shall not be considered for TDR irrespective of ownership. As the road was developed prior to 1987, the application of the Petitioner was rejected by the Corporation on 22nd February, 2008. In the year 1986, then Municipal Council, Jalgaon was governed by the standardized building bye-laws. As per Rule 14.3 the owner was under an obligation to hand over the roads and open spaces to the planning authority for nominal amount of Rs.1. It is submitted that the case of Jagruti Cooperative Housing Society is not identical to the case of the Petitioner. The revised layout plan was sanctioned by Municipal Corporation on 7th October, 2010. The Petitioner also filed an application for revised development plan, however,

the Petitioner has sold most of the plots and therefore, without the consent of all the plot holders, such application was not tenable hence the same was rejected. Since 30 meter road is used as a public road prior to 1987, therefore, now TDR is not permissible. Learned counsel further submits that, in any case the road is also for the adjacent plot holders, therefore, unless they are parties before the Court, the Petition is not tenable in law. In support of his submissions, learned counsel appearing for Respondent Corporation relied upon the unreported Judgment of the Division Bench (CORAM: S.C. DHARMADHIKARI AND MANGESH S. PATIL, JJ.), dated 7th July 2017, in the case of Shri Suresh Khandsari Sugar Mills, Kannad through its Partner Ajay Balkrishna Bhatwal vs. the State of Maharashtra and others (Writ Petition No.6332 of 2016), wherein it is held that, compensation for Development Plan Road cannot be claimed, if the benefit is accrued to the land owner and there is a mandate to handover

the Roads to the concerned authority. Learned counsel appearing for Respondent Corporation also relied upon the unreported Judgment of the Division Bench (CORAM: S.C. DHARMADHIKARI AND RAVINDRA V. GHUGE, JJ.), dated 14th February, 2014, in the case of Hiralal Bhiu Pawar and another vs. The State of Maharashtra and others (Writ Petition No.1034 of 2011), wherein it is held that, if there are delay and laches, the same disentitles the Petitioner from claiming compensation. Learned counsel lastly submitted that the Petition may be dismissed.

10. Learned Additional Government Pleader appearing for the State, referring to the affidavit in reply filed on behalf of Respondent Nos.2 and 3, submits that the Regional Plan for Jalgaon-Bhusawal Region was prepared under the provisions of Maharashtra Regional and Town Planning Act, 1966, and was finally sanctioned by the Government in Urban Development Department

vide Notification No.TPS 3585/116/CR-165/UD-9-12.11.1991 and the same came into force from 12th November, 1991. The Peripheral Plan showing Zoning and Road network was also prepared surrounding the erstwhile Jalgaon city and was sanctioned by Government while sanctioning the Regional Plan of Jalgaon in which suit land is part of this Peripheral Plan. In the year 1986, the revised layout of Gut No.152/4/1+2, Pimprala, for residential purpose on Petitioner's land was recommended by Respondent No.3 i.e. Assistant Director of Town Planning, Jalgaon by considering the Peripheral Plan proposals such as 30 meter wide ring road. This 30 meter ring road shown in Peripheral Plan of Jalgaon which is passing through the Petitioner's land and layout is not subject to any acquisition. The 30 meter wide peripheral plan road was passing through the Petitioner's land was part and parcel of the layout. The benefit for the road frontage on this road and exemption in 10% compulsory open space is also availed by the

Petitioner while seeking approval to the layout.

11. Learned Additional Government Pleader further submits that subsequently the village Pimprala came to be included in the extended limits of Jalgaon Municipal Council in the year 1987. The Development Plan for an Additional Area of Jalgaon had been partly sanctioned under the provisions of Section 31(1) of the Maharashtra Regional and Town Planning Act, 1966, by the Government in Urban Development Department vide Notification No.TPS-3599/738/CR-142(A)/UD-9, dated 11th February, 2002 and the same had come into force with effect from 7th April, 2002. In the said sanctioned development plan of an additional area, the Petitioner's land was shown affected by 30 meter wide development plan road. As per conditions laid down in Non-Agriculture Order given to Petitioner by the Collector, Jalgaon, it was expected that the Petitioner should develop the roads passing through his land and handed over

to Planning Authority as public roads.

12. Learned Additional Government Pleader further submits that the Petitioner has made correspondence with Municipal Corporation, Jalgaon, in the year 2007 seeking TDR or compensation for the land coming under 30 meter Development Plan road. However, as per the prevailing Development Control Rules sanctioned by Government and applicable to Jalgaon city, the benefit of TDR is not allowed where layout is already sanctioned prior to 1987. The Development Rights are available only in cases where development of reservation has not been implements i.e. Development Rights are available only for perspective development of reservations and D.P. roads.

13. Learned Additional Government Pleader further submits that since 30 meter peripheral road is part and parcel of approved lay out and

supposed to be developed by the Petitioner as condition mentioned in the N.A. order, the Petitioner is not entitled for TDR and considering this fact the Planning Authority i.e. Jalgaon Municipal Corporation has rightly rejected the Petitioner's request seeking TDR for the lands coming under 30 meter D.P. road. It is submitted that it is seen from the copy of layout that 30 meter road is passing from the eastern part of the petitioner's land and major plots in the lay out are even and regular shape. The open space shown in the lay out is of rectangular shape and centrally located. Thus, it is contended that the contention of the Petitioner that because of 30 meter D.P. road his entire plot is bifurcated and due to the road plot size are uneven and thus drastically reducing the better economic prospects, is totally wrong and misleading.

14. Learned Additional Government Pleader further submits that since 30 meter D.P. road

passing through the Petitioner's land is part and parcel of lay out already sanctioned long back in the year 1986, when provision of TDR was not available, the Petitioner is not entitled for any compensation. While giving approval the road was shown as peripheral zone plan road which was not subject to its acquisition and while approving the lay out the Petitioner has already availed the benefit of road frontage and deduction in open space, the benefit of TDR cannot be given for the D.P. road which are shown in approved layout prior to 1987, and also the TDR is eligible for prospective development, Jalgaon Municipal Corporation has rightly rejected the Petitioner's request for TDR or compensation. It is submitted that the request of the Petitioner is illegal, inconsistent with the provisions of D.C. Rules, hence the same is liable to be denied. Learned Additional Government Pleader lastly prayed that the Writ Petition may be rejected.

15. We have given careful consideration to the submissions of learned counsel appearing for the Petitioner, learned Additional Government Pleader appearing for the State and its officials and learned counsel appearing for Municipal Corporation. Some undisputed facts are that total area to the extent of 20,600 sq. meters from Gut No.152/4/1+2 at the relevant time, owned and possessed by the Petitioner. Area under 30 meter D.P. Road is 2677 sq. meters. As per the relevant rules, 10% of the land is required to be kept for the purpose of open space i.e. 2060 sq. meters. However, the Petitioner is allowed to keep only 1909 sq. meters i.e. 151 sq. meters land. Initially the land of the Petitioner was part and parcel of Jalgaon Bhusawal Regional Plan. Thirty meter wide road was shown from Gut No.152/4/1+2 situated within the limits of village Pimprala. On 30th April, 1986 the revenue department granted Non Agricultural permission for residential purpose and by Notification dated 11th February,

2002 the Development Plan for the additional area of Jalgaon Municipal Council was sanctioned. In the said Development Plan also 30 meter wide road was shown and it was in existence prior to 1987. It is admitted position that the Petitioner applied for N.A. permission vide order dated 30th April, 1986. Upon careful perusal of the applications/ representations placed on record, it is abundantly clear that the Petitioner has filed applications from time to time since 2001, raising his grievance to pay him compensation or TDR in lieu of the afore mentioned land taken for the purpose of 30 meter wide D.P. Road which was shown in the Development Plan. It is not brought to the notice by the Respondent Corporation that the Petitioner has voluntarily surrendered the possession of the afore said land. On the contrary, the Petitioner has placed on record copies of the applications/ representations addressed to the Respondent Corporation from the year 2001 praying for granting him TDR or

compensation. It is also not in dispute that the Petitioner has also been granted some frontage. There is no dispute that the said area was included within the municipal limits of Jalgaon city in the year 2002 and thereafter road was actually constructed in the year 2012 and thereafter the actual use of the road was started.

16. As already observed, the Petitioner's land to the above extent has been now part of the D.P. Road. Merely because Non Agricultural permission was granted in favour of the Petitioner, the Petitioner cannot be deprived from receiving T.D.R. or compensation after deducting the frontage area and other benefits extended in favour of the Petitioner.

17. The reliance placed by the counsel for the Respondent Corporation upon the case of Shri Suresh Khandsari Sugar Mills, Kannad through its Partner Ajay Balkrishna Bhatwal vs. the State of

Maharashtra and others (Writ Petition No.6332 of 2016) and the case of Hiralal Bhiu Pawar and another vs. The State of Maharashtra and others (Writ Petition No.1034 of 2011), cited supra, is misplaced in the facts of the present case, in as much as, in the facts of this case, nothing is brought on record by the Respondent Corporation that the Petitioner voluntarily handed over the possession of the land unconditionally, and secondly, in our opinion there is no delay in raising the grievance by the Petitioner for compensation, as it is evident from the applications dated 12th December, 2001, 9th December, 2003, 5th October, 2004, 25th March, 2007, 4th December, 2007, 14th February, 2012, 9th May, 2012, 18th June, 2012 and 27th August, 2012, addressed by the Petitioner to Respondent Authorities from time to time, copies of which are placed on record with the memo of the Petition.

18. Apart from it, the Supreme Court in the

case of Tukaram Kana Joshi vs. Maharashtra Industrial Development Corporation, cited supra, held in Para 12 of the Judgment, as under:-

"12. No hard and fast rule can be laid down as to when the High Court should refuse to exercise its jurisdiction in favour of a party who moves it after considerable delay and is otherwise guilty of laches. Discretion must be exercised judiciously and reasonably. In the event that the claim made by the applicant is legally sustainable, delay should be condoned. In other words, where circumstances justifying the conduct exist, the illegality which is manifest, cannot be sustained on the sole ground of laches. When substantial justice and technical considerations are pitted against each other, the cause of substantial justice deserves to be preferred, for the other side cannot claim to have a vested right in the injustice being done, because of a non-deliberate delay. The court should not harm innocent parties if their rights have in fact emerged, by delay on the part of the Petitioners. (Vide Durga Prasad v. Chief Controller of Imports and Exports & Ors., AIR 1970 SC 769; Collector, Land

Acquisition, Anantnag & Anr. v. Mst. Katiji & Ors., AIR 1987 SC 1353; Delhi Rohtas Light Railway Company Ltd. v. District Board, Bhojpur & Ors., AIR 1993 SC 802; Dayal Singh & Ors. v. Union of India & Ors., AIR 2003 SC 1140; and Shankara Co-op. Housing Society Ltd. v. M. Prabhakar & Ors., AIR 2011 SC 2161)"

19. In the facts of the present case, it is evident that the Petitioner was legitimately pursuing his grievance since the year 2001 and by any stretch of imagination it cannot be said that the delay caused is deliberate.

20. The facts of the cases on which reliance is placed by learned counsel appearing for the Petitioner i.e. case of Shri Suresh Khandsari Sugar Mills, Kannad through its Partner Ajay Balkrishna Bhatwal vs. the State of Maharashtra and others (Writ Petition No.6332 of 2016) and the case of Hiralal Bhiu Pawar and another vs. The State of Maharashtra and others (Writ Petition No.1034 of 2011), cited supra, are

distinguishable. In the case of Shri Suresh Khandsari Sugar Mills, Kannad through its Partner Ajay Balkrishna Bhatwal vs. the State of Maharashtra and others (Writ Petition No.6332 of 2016), the Division Bench, keeping in view the fact situation in the said case, observed that, the Petitioners had voluntarily handed over the possession of the land in the year 1990, they raised claim in the year 1992 but waited till 2007 and also from the year 2007 when they allege that favourable resolution was passed, they did nothing till 2015. It is further observed by the Court that, the Petitioners are aware that it is their voluntary act which has resulted in giving up the claim for compensation. It is further observed that the Petitioners therein are themselves to blame for handing over their lands voluntarily decades back, they are themselves to blame for giving up the claim for compensation.

21. In the case of Hiralal Bhiu Pawar and

another vs. The State of Maharashtra and others (Writ Petition No.1034 of 2011), cited supra, the Court observed that, the Petitioners therein had also challenged the validity of Rule 19.3 of Standardized Building Bye-laws apart from seeking compensation for D.P. Road. The Municipal Council replied that benefit of 650 sq. meters was given to the Petitioners therein extra in lieu of 18 meters wide road. The Court rejected the claim of the Petitioners therein on the ground that, there appears to be serious dispute with regard to factual position as narrated by the Petitioners therein. The Petitioners therein sold the portion of land to a housing society long before 1970 and lay out was sanctioned by the said society in 1970, thereafter draft development plan was published with D.P. Road, which was not objected to by the Petitioners therein. Therefore, it appears that there was serious dispute about the basic facts and accordingly the Court rejected the said Petition with observation that the

Petitioners therein can avail of an appropriate remedy as available in law.

22. Therefore, the Judgments in aforesaid two cases are necessarily in the facts of those cases. However, as already observed, the fact situation in the present case is totally different. In the present case the Petitioner never delivered the possession of the land voluntarily for the D.P. road nor had given up the claim for compensation. It is true that lay out was sanctioned in the year 1987, however the said area was included within Jalgaon Municipal Limits in the year 2002 and the road was actually constructed in the year 2012, therefore the question of use of road arose thereafter. The Petitioner is pursuing the claim for compensation since the year 2001. We do not find any reason to interfere in the decision of the Respondents to reject the request of the Petitioner for T.D.R. However, the Petitioner's legitimate right to receive the compensation

cannot be denied. It is true that the Petitioner has already availed the benefit of road frontage and deduction of open space. Therefore, it would be appropriate for the Respondent Corporation to undertake the exercise of calculating the actual benefits received by the Petitioner and for remaining area his entitlement for the compensation. As already observed, total area under layout is 20,600 sq. meters, area under 30 meter D.P. road is 2677 sq. meters and area available to the Petitioner for lay out after deduction of road area is 17,923 sq. meters, and area of open space kept by the Petitioner is 1909 sq. meters.

23. It is true that right to property is not fundamental right, nevertheless the same is the constitutional right guaranteed under Article 300-A of the Constitution of India, which reads thus:-

"300A. Persons not to be deprived of property save by authority of law.- No

person shall be deprived of his property
save by authority of law."

24. Learned counsel appearing for the
Petitioner has invited our attention to the
"Minutes of the Order passed in Writ Petition
No.1518 of 2009, the copy of which is placed on
record by the Petitioner with rejoinder. Learned
counsel submitted that, for the same D.P. road,
land of one Gopinath Kalu Rane was also acquired
but no compensation was paid to him, therefore he
filed Writ Petition No.1518 of 2009, which was
disposed of in terms of the Minutes of the Order
passed therein. The Minutes of the Order passed in
Writ Petition No.1518 of 2009 reads as under:

"MINUTES OF THE ORDER

The Petitioner is ready to accept the
compensation of Rs.37,71,097/- as per
letter dated 28.08.2008 by respondent no.2
Commissioner, Jalgaon Municipal Corporation
as determined by the Expert Committee. In
addition to this, he is also entitled for
the interest on solatium of Rs.3,51,072/-
as per Land Acquisition Act, 1894. With

these directions, the petition stands disposed off. No order as to costs."

25. Thus, it is clear from the Minutes of the Order passed in Writ Petition No.1518 of 2009, that Respondent Corporation has paid compensation to the similarly situated person whose land was also acquired for same D.P. Road.

26. The Respondent Corporation has contended that the Corporation is in financial difficulty and therefore it is not in a position to pay compensation to the Petitioner. To counter the said contentions of the Respondent Corporation, the Petitioner has placed on record the details furnished by Jalgaon Municipal Corporation under the Right to Information Act, 2005 to one Advocate Jitendra Bhimrao Patil, dated 25th May, 2016, in respect of the compensation paid by the Corporation for acquisition of land for the purpose of roads, play grounds, garden, widening of roads etc. The chart given by Municipal

Corporation shows that for the acquisition of land for the above said purposes, the Corporation has paid amount more than Rupees Six Crores, approximately, during the period from 4th May, 2012 till 19th March, 2013.

27. In the light of discussion herein above, we are of the considered opinion that the Petitioner is entitled for the compensation of the land which is acquired by the Respondent Corporation for D.P. Road. Hence, we pass following order:-

O R D E R

(I) We direct Respondent No.1 - Municipal Corporation, Jalgaon to constitute the "Value Assessment Committee" consisting of a Deputy Commissioner (General Administration Department), Town Planner and City Engineer of the Respondent Corporation

to take decision in respect of the claim of the Petitioner and his entitlement, keeping in view the case of similarly situated person, namely Gopinath Kalu Rane.

(II) We make it clear that since the land is already part of the D.P. Road and vests in the State, now the Petitioner cannot claim the compensation strictly applying the provisions of the Land Acquisition Act, 1894. However the Committee shall apply the parameters/ criteria applied in the case of Gopinath Kalu Rane, and take the appropriate decision.

(III) It would be open for the Committee, for the purpose of calculation, to consider the benefit of road frontage, exemption in 10%

compulsory open space, if any, or any other benefits given to the Petitioner and deduct the proportionate amount under the said heads from the compensation payable to the Petitioner.

(IV) It would be open for the Committee to enter into negotiation with the Petitioner for one time settlement.

(V) The Committee after completing all the formalities, shall take the decision within six months from today and pay the compensation payable to the Petitioner.

(VI) Rule is made absolute in above terms. The Writ Petition stands disposed of, accordingly.

(VII) We make it clear that we have passed this order in the peculiar facts of this case, keeping in view the fact that the Petitioner has continuously pursued the cause since the year 2001.

[S.M. GAVHANE, J.]

asb/APR18

[S.S. SHINDE, J.]