

psv

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

**WRIT PETITION NO.5185 OF 2012
WITH
CIVIL APPLICATION NO.916 OF 2016**

Shri Parasnath Rammurthi Rai

...Petitioner

Vs.

**State of Maharashtra through its
Secretary, Urban Development Dept. & Anr.**

...Respondents

**Mr.A.G. Damle, Senior counsel, i/b. Mr.Dushyant Pagare for Petitioner.
Ms.Nisha Mehra, AGP for State/Respondent No.1.
Mr.A.R. Pitale for Respondent No.2.**

**CORAM : NARESH H. PATIL, ACTING C.J. AND
G.S. KULKARNI, J.**

DATE : 1st OCTOBER 2018

P.C.:

The petitioner has taken out civil application seeking direction to respondent No.2-Corporation to work out the rehabilitation of petitioner in a time bound programme. The petitioner has also submitted details of entitlement of the petitioner for rehabilitation in view of the property of the petitioner affected by road widening, subject matter of above writ petition.

2. Respondent No.2-Corporation has filed affidavit in reply dated 16th June 2016 to the civil application whereby in principle agreeing to the grievance of the petitioner and agreeing to rehabilitate the petitioner as

more particularly mentioned in paragraph Nos.10, 11 and 12 of the said affidavit in reply. The petitioner also agreed to confirm through the petitioner's representative Birbal Bandgar, who is present in the Court, for disposal of the writ petition as well as civil application in terms of offer made by the respondent No.2-Corporation in its aforesaid affidavit in reply.

3. In so far as allotment of land as stated in paragraph No.10 of the affidavit in reply concerned, the petitioner is in fact entitled to allotment of 1500 sq. ft. area and respondent No.2-Corporation has allotted 1150 sq. ft. plot of area as stated in paragraph No.10 of the affidavit in reply. The Corporation shall allot remaining area of 350 sq. ft. within the vicinity of the plot in question on which area of 1150 sq. ft. has been allotted to the petitioner, as per the policy.

4. As stated in paragraph No.11 of the affidavit in reply dated 16th June 2016, in so far as issuance of TDR/DRC Certificate in respect of ownership land acquired by the respondent No.2-Corporation, respondent No.2-Corporation shall decide the claim of the petitioner within a period of 6 months upon submission of proposal by petitioner along with all necessary documents.

5. As stated in paragraph No.12 of the affidavit in reply dated 16th June

2016, respondent No.2-Corporation reserves its right to acquire the remaining structure of the petitioner (after action of demolition) in future as and when occasion arises for purpose of road widening of Ghodbunder Road and its service in accordance with law and after following due process of law.

6. The writ petition as well as civil application stand disposed of.

G.S. KULKARNI, J.

ACTING CHIEF JUSTICE

corrected as per speaking to minutes of order dated 17th October 2018.