

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

36 WRIT PETITION NO.10040 OF 2018

DAMODHAR TUKARAM RAYALLA

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioner :Mr.Kale Ajeet B.
AGP for Respondents State: Mr. s.G. Karlekar
Advocate for Respondent No.4 : Mr. Wange Anand D.

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

DATE : 14th February, 2019

PER COURT :

1. It appears that from Gat No.128, land to the extent of 38 R has been excluded from the Award dated 28.05.2018. According Mr.Kale, the learned Advocate for the petitioner, when notification under section 32(1) of the M.I.D.C Act was issued, the same was issued to the petitioner in respect of Gat No.128, however, the land is excluded solely on the ground that 38 R land from Gat No.128 is reserved for D.P.Road. If a private party is owner of the land reserved for Development Plan Road, then the owner would be entitled for compensation of the land under D.P. road.

According to the respondents, the said land stands in the name of the Government.

2. The issue is only with regard to the 38 R land from Gat No.128 at Mauje Karmad. The authorities shall verify the situation of the property and ownership and if it is found that the petitioner is owner of 38 R land from Gat No.128, which is reserved for D.P. Road and which is the subject matter of acquisition, then the authority shall compensate the owner in respect of the said land in accordance with law.

3. The process would be commenced within six weeks from today.

4. Writ petition is accordingly disposed of. No costs.

5. Authenticated copy be supplied.

(A. M.DHAVAL, J.)

(S.V.GANGAPURWALA, J.)

JPC