

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

WRIT PETITION NO.12676 OF 2018

Rameshwar Mukhandas Vaishnav

...PETITIONER

VERSUS

The State of Maharashtra & anr.

...RESPONDENTS

.....
Shri S.S. Thombre, Advocate for petitioner
Shri S.K. Tambe, A.G.P. for respondent No.1
Shri J.R. Shah, Advocate for respondent No.2
.....

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

DATED : 17th January, 2019

ORAL ORDER :

1. Shri Thombre, the learned counsel for the petitioner submits that, without acquiring the property of the petitioner, the respondents are intending to dispossess the petitioner and carry out the construction of the road. They have already taken possession from the adjoining land holders. The learned counsel submits that, the respondents cannot dispossess the petitioner without due

process of law, unless acquisition proceedings are undertaken and compensation is paid to the petitioner, the respondents do not have any authority to take possession of the petitioner's land.

2. Mr. J.R. Shah, the learned counsel for the Municipal Corporation submits that, the petitioner is offered T.D.R. in lieu of the area under development plan road. The proposal is also submitted to the Land Acquisition Officer for acquisition.

3. Mr. Thombre, the learned counsel submits that the petitioner had already communicated that, he is not interested in T.D.R.

4. In that event, the Corporation can acquire the property by agreement or take up acquisition proceedings.

5. If the parties are not mutually ready for acquisition by private agreement, then the respondent/ Corporation and the State shall take up acquisition proceedings in respect of the property of the petitioner within a period of three (03) months from today and shall complete it within the time stipulated under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

6. In view of that, the construction of the development plan road may not be affected also.

7. The writ petition accordingly is disposed of. No costs.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)

fmp/