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

WRIT PETITION NO. 1502 OF 2017

Shri Lakshmikant Govind Patil .. Petitioner
Vs.
The State of Maharashtra & Ors. .. Respondents

Mr. Abhijeet Kulkarni I/b Mr. R. P. Surve for the Petitioner.
Mr. B. D. Joshi for Respondent No.6.
Mrs. P. N. Diwan, AGP for Respondent Nos.1 to 5.

CORAM : R. M. BORDE & V. L. ACHLIYA, JJ.
DATE : 12th FEBRUARY, 2019.

P. C. :

1. The Petitioner is objecting to the acquisition proposed by the Respondent-Municipal Council for public purpose i.e. widening of road. The Petitioner contends that the proposed acquisition is in excess of the resolution adopted by the Municipal Council and the proposal forwarded to the Land Acquisition Officer. The contention raised by the Petitioner, prima facie, appears to be erroneous for the reasons that the resolution adopted by the Municipal Council at the relevant time has not been accepted by the State Government and the same has been modified. It is not the matter of dispute that the acquisition is in respect of area which is notified in the development plan for the purpose of widening of road. The development plan for the city has attained finality of the acquisition proposed is in conformity with the final development plan for the city approved by the state. It is informed that the acquisition proposal was initiated by

Respondent No.6 according to the General Body Resolution No.19 dated 25.06.2014.

2. While scrutinizing the land acquisition proposal, it is noticed that the resolution seeks to delete six properties which were required in view of sanctioned development plan for public purpose. The land acquisition proposal, excluding the properties sought to be deleted by the Municipal Council, was not accepted and the proceedings in respect of acquisition for the public purpose i.e. widening of road were initiated. It is informed that in observance of the procedure prescribed, an Award has been declared and the amount of compensation has been paid. In this view of the matter and in view of subsequent affidavit tendered on behalf of the State Government on 20.11.2017 recording therein that the resolution adopted by the General Body in support of deletion of the property has been set aside by the subsequent General Body Resolution, no interference in the matter is called for.

3. Hence, the Writ Petition is dismissed.

[V. L. ACHLIYA, J.]

[R. M. BORDE, J.]