

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

WRIT PETITION NO. 8167 OF 2018

Dilip Dattatray Kurane

...Petitioner

Versus

The Collector (Rehabilitation) and
Ors.

...Respondents

Mr. A.Y. Sakhare, Senior counsel i/b. Mr. Omkar Nagvekar for the
Petitioner.

Mr. A.I. Patel, Addl. GP with Mr. R.P. Kadam, AGP for the
Respondents Nos. 1, 2 and 4-State.

Mr. Akshay P. Shinde for the Respondent No. 3.

**CORAM : A.A. SAYED AND
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED: 6th DECEMBER, 2019.

P.C.:-

Prayer clause (b) of the Petition reads as follows:-

“b. This Hon’ble Court be pleased to direct Respondents to return land admeasuring City Survey No. 3198 admeasuring 12150 sq. meters that was acquired for the Rehabilitation of homeless (reservation No. 44) in view of Section 101 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 to Petitioner.”

2. It is an admitted position that the acquisition of the subject land was under the provisions of the Maharashtra Regional and Town Planning Act, 1966 by issuing Notification under Section 126(4). Section 101 of the Right to Fair Compensation and

Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, which provides for return of the unutilised land, would not be applicable in the present case. Even otherwise, it is seen that the award was passed on 31/3/1990. The possession of the subject land was taken on 8/5/1990. The compensation has been deposited in Court under Section 30 of the Land Acquisition Act, 1894. Moreover, as per the revised sanctioned Development Plan, the subject land is now reserved for "Sewage Treatment Plant". The learned Counsel for the Respondent No.3-Municipal Corporation states that about 60% to 70% work of the Sewage Treatment Plant has already been completed.

3. In view of the above, there is no merit in the Petition. The Petition is dismissed.

(ANUJA PRABHUDESSAI, J.)

(A.A. SAYED, J.)