

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2028 OF 2018**

Hidayatulla Amirmaja Mulla & Ors. ... Petitioners

Vs

State of Maharashtra
Through Secretary Urban Development
Department, Mantralaya, Mumbai & Ors. ... Respondents

Mr. Kalpesh V. Patil, Advocate for the Petitioners.
Mr. Sharad Bhosale i/b. Dilip Bodake, Advocate for Respondent
No. 2.
Mr. Y.S. Khochare, AGP for Respondents No. 1, 3 & 4.

**CORAM : B.P.DHARMADHIKARI &
SANDEEP K. SHINDE, JJ**
DATE : AUGUST 28th, 2019

P.C.:

1. This Court as on 10.08.2018 passed the following order :-

“Mr. Bodake, learned counsel for the respondent No.2, does not dispute that the petitioners are the owners of the subject land. He also submits that the possession is taken by the Municipal Council from the petitioners, however, neither compensation nor TDR is given to the petitioners. On the contrary, in the letter dated 19th July, 2018, list of 7 items is given to the petitioners for compliance thereof. We adjourn this petition to 31st August, 2018.

2. Meanwhile, the respondent No.2- Municipal Council shall co-operate with the petitioners and the petitioners shall ensure that the said requirements are complied

with so as to facilitate the payment of compensation/TDR. We are making clear that, in the event, the Council fails to pay compensation/TDR to the petitioners for the subject land, the Council shall be liable to handover possession of the subject land back to the petitioners.”

2. Respondent No. 2- Municipal Council has not paid compensation or release TDR in favour of the petitioner. It has not given instructions to its counsel, who is seeking time for said purpose.
3. We are not inclined to adjourn the matter.
4. Records show that Municipal Council has on 23.03.2018 resolved to issue TDR in favour of the petitioner.
5. Grievance of the petitioner is this resolution has not been implemented, orders of this Court are not obeyed and still pipeline is laid through his land.
6. In this situation, we direct Respondent No. 2-Municipal Council to pay to the petitioner either compensation at market rate or release the TDR in favour of the petitioner, within three months from today. Petition is therefore partly allowed and disposed of.

(SANDEEP K. SHINDE, J.)

(B.P. DHARMADHIKARI, J.)