

the petitioners that the entire land was handed over to the respondent Corporation and in turn, respondent Corporation gave TDR for the land admeasuring 5718 sq.m.

2 At the instance of one Kailas Pawar, the Corporation conducted an inquiry and arrived at a conclusion that only 3560 sq.m belonging to the petitioners is affected by DP Road, and therefore, the petitioners were directed to deposit an amount of Rs.1,11,06,000/- (@ rate of Rs.7,000/- per sq.m).

3 It is the case of the petitioners that possession of land admeasuring 6305 sq.m is taken by the Corporation and if it is the case of the Corporation that only land admeasuring 3560 sq.m is affected by DP land, then the balance land should be returned to the petitioner. If this is so, he is ready and willing to deposit a sum of Rs.1,11,06,000/-.

4 It is also the case of the petitioner that impugned order is passed without affording opportunity of hearing and without following principles of natural justice. This fact is not disputed by Mr.Bubna, learned counsel for the Corporation. Mr.Bubna submits that the impugned order would be withdrawn and fresh order would be passed after giving an opportunity of hearing to the petitioner.

5 In the light of above, we disposed of the petition by the following order :-

(i) Respondent Corporation is directed to take fresh decision after hearing the petitioner.

(ii) Both the learned counsel agree that petitioner shall remain personally present before the Assistant Director, Town Planning, Bhiwandi Nizampur City Municipal Corporation on 11th March 2019 at 11.00 am. On that date, Asstt. Director, Town Planning shall fix the schedule of hearing and pass appropriate orders after hearing the petitioner.

(SMT. BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)