

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12998 OF 2017

Havabi Ali Tambe and Ors. ... Petitioners

Versus

The State of Maharashtra and Ors. ... Respondents

Mr. Rajesh Behere for the petitioners.

Adv Sarika Shetye i/by Mr. S.B. Shetye for respondent no. 2.

Mrs. P.J. Gavhane, AGP for respondent nos. 1 and 4.

**CORAM : B.P. DHARMADHIKARI &
SANDEEP K. SHINDE, JJ.**
DATE : OCTOBER 11, 2019

P.C.:

Heard learned counsel for the petitioners.

2. We find that the petitioners have not given any notice under section 127 or section 49 of Maharashtra Regional Town Planning Act. The possession of the land continues with the petitioners.

3. It appears that the petitioners attempted to amicably settle the issue with the planning authority. The planning authority offered them alternate land but then that proposal also could not be materialized. Prayer in the present petition is either to declare that reservation of land bearing survey nos. 278A and

271B admeasuring 1H 43.7 Ares which is given City Survey Nos. 3255 and 3247 as also plot no. 106 in Khed, District Ratnagiri be removed or then to direct the respondents to determine the compensation therefor at market value.

4. During arguments, learned counsel fairly submits that perhaps in the year 2017, some scheme has also been floated in the area. However, the details thereof are not available.

5. Contentions of the petitioners was that the petitioners are still owners and in possession of the subject land. If they are being forcibly dispossessed, cause of action can accrue. If acquisition proceedings are initiated, they can always bargain for market value. We therefore, find the present challenge premature.

6. Keeping all contentions open and with a liberty to the petitioners to approach again if any cause of action arises, we dispose of the writ petition.

(SANDEEP K. SHINDE, J.)

(B.P. DHARMADHIKARI, J.)