

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (LODG.) NO. 405 OF 2019

Abhijit S. Singh .. Petitioner
Vs.
The State of Maharashtra & Ors. .. Respondents

Mr.S.M. Kamble for petitioner.

Mr.A.L. Patki, Addl. G.P. for respondent No.1-State.

Mr.A.P. Shinde for respondent Nos. 2 and 4.

**CORAM : R. M. BORDE &
N.J. JAMADAR, JJ.**

DATE : 24TH APRIL 2019

P.C.

1 This petition can be disposed of in view of the averments made in paragraph Nos.14 and 15 of the affidavit-in-reply, dated 9th April 2019 presented on behalf of respondent Nos.2 to 4, which read thus :-

“14 In the present matter in hand the title search report to verify the ownership of the Petitioner on the land in question is still awaited. I say that as and when the said report is received by the Respondents, steps will be taken by these Respondents for purchasing the land as per the procedure as provided in the aforesaid GRs provided that the Petitioner submits consent for sale by private agreement. However, if the Petitioner refuses to give consent for such sale by private agreement, the land will be acquired as per the procedure prescribed under the Act of 2013. I say that the Petitioner will be paid compensation, as aforesaid, if the Petitioner is found to be the owner of the land in issue.

15 I say that neither on the date when the Petitioner filed the present Petition nor as of date these Respondents have not initiated any procedure for demolition of the structure in issue and the procedure towards acquisition of land in issue. I say that the Petitioner will first have to submit option pursuant to the letter dated 6th March 2019 to these Respondents pursuant to which further steps as aforesaid will be taken by these Respondents. I therefore say that the present Petition at this stage is thus premature.”

2 In view of the undertaking recorded in the affidavit in reply as referred in paragraph Nos.14 and 15, the grievance raised by the petitioner in the instant petition stands redressed.

3 The writ petition accordingly stands disposed of.

[N.J. JAMADAR, J.]

[R. M. BORDE, J.]