

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

WRIT PETITION (L) NO. 1154 OF 2018

M/s. Sweet Angel Home Builders

..Petitioner

V/s.

**Municipal Corporation of Greater
Mumbai and Others.**

..Respondents.

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Mr. J. Reis, Senior Advocate, a/w. Mr. Nigel Quraishy, I/b.
Mr. Krishnan Dushyant Harsh G. for the Petitioner.

Petitioner Samson D'Cruz present in the court.

Mr. Musharaj Shaikh, I/b. Mrs. Kiran Bhagalia, for
Respondent No.4-MMRDA.

Mr. Narayan Sahu, a/w. Mr. Shrinivasan Mudaliar, I/b.
Federal & Co. for Respondent No.5.

Mr. R. S. Apte, Senior Advocate, a/w Ms. Trupti Puranik, for
MCGM.

Mr. Nitin Karale, Maintenance & Surveyor (Oshiwara) City
Survey office, Andheri, present.

Arvikar S. V., Asst. Engg. (Dev. Plan) G/W ward and Kamble
D. B. Sub. Engg. (Dev. Plan) K/W ward are present in the
court.

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

DATE : MAY 02, 2019

PC :

1. The petitioner is praying for issuance of Writ of Mandamus or any other appropriate writ, order or direction to respondent Nos.1 to 3 to follow due process of law and acquire land bearing CTS No.1A/2, 1A/2 (1 to 44) of village

Ambivali, Taluka Andheri, known as Veera Desai Road. It is pointed out by the counsel appearing for the petitioner that possession of the property has already been taken over by the Municipal Corporation and said property is being utilized for widening of the road, and project of construction of road is undertaken by MMRDA. It is also accepted position that the responsibility of making payment of compensation rests on the Municipal Corporation. Counsel appearing for the respondent Municipal Corporation on instructions, informs that on receipt of valuation report from Special Land Acquisition Officer No.7 (SLAO-7) or Deputy Director of Town Planning, Mumbai the same would be presented for sanction of the Municipal Commissioner, Improvement Committee and Corporation. It is further informed that in observance of necessary formality, amount of compensation would be paid to the petitioner within a period of six months from today.

2. In the facts and circumstances of this case, in our view, ends of justice would be met in directing the Municipal Corporation to pay the amount of compensation determined by the SLAO-7, in observance of the procedure required to be adopted in that regard, as expeditiously as possible, preferably within a period of six months from today and it is accordingly directed.

3. The Special Land Acquisition Officer-7 or Deputy Director, Town Planning, Mumbai, on receipt of request from Municipal Corporation shall determine the amount of compensation in respect of acquired property and furnish the report to the Municipal Corporation within a period of four weeks from the date of receipt of request from the Municipal Corporation.

4. It is clarified that this court has not considered the merits of contentions raised by the parties, and it would be open for the petitioner to raise appropriate challenge before appropriate forum, in case petitioner feels aggrieved by determination of amount of compensation.

5. In view of above, writ petition stands disposed of.

(N. J. JAMADAR, J.)

(R. M. BORDE, J.)

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