

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION (CAS) NO.211 OF 2019
IN
SECOND APPEAL NO.119 OF 2010

(Sau. Shama w/o Shivram Jaiswal and others Vs. Ashokkumar s/o Nandlal Jaiswal
and others)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri Rohit Joshi, Advocate for Appellants.
Shri P.C. Marpakwar, Advocate for Respondents 1 to 5.

CORAM: ROHIT B. DEO, J.
DATE: 27th MARCH, 2019.

Heard.

2] This application is taken out by the appellants seeking prohibitory order restraining the respondents 1 to 5 from receiving the compensation towards proposed acquisition of the suit property.

3] The appeal is admitted on substantial questions of law.

4] The respondents have filed an affidavit-in-reply placing on record communication dated 06.12.2018 issued by the Nagpur Metro Region Development Authority. The communication is addressed to Vijaykumar s/o Nandlal Jaiswal – respondent 2 herein and recites that the said authority proposes to acquire land admeasuring 16,800 square meters, bearing survey number 60 of Mouza Dongargaon and in lieu of compensation it is proposed to

allot TDR (transfer of development right)/FSI.

5] The learned counsel for the respondents Shri P.C. Marpakwar states on instructions, that even if any if the land is acquired and FSI or TDR is allotted to the respondents in lieu of compensation, the respondents shall neither use or utilize the FSI – TDR nor shall create any third party interest therein till the appeal is finally heard. The learned counsel Shri Marpakwar further states that no cash compensation shall be accepted. This Court further directs that the statement made and the arrangement arrived at as regards to survey number 60 shall also apply to the other suit properties survey number 58/2 and 67 of Mouza Dongargaon if the same are acquired.

6] The civil application is disposed of.

JUDGE