

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

PUBLIC INTEREST LITIGATION NO. 71/2015.

Prashant Prabhakar Rao Pawar.

-VERSUS-

Government of Maharashtra and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri A. Kesari, Advocate for the Petitioner.
Shri N.R. Patil, A.G.P. for Respondent Nos.1 & 6.
Shri J.B. Kasat, Advocate for Respondent No.2.
Shri V.V. Deo, Advocate for Respondent No.3.
Shri H.D. Dangre, Advocate for Respondent Nos. 4 and 7.
Petition is abated against Respondent No.5 (Dt.16.02.2017)

CORAM : R.K. DESHPANDE &
VINAY JOSHI, JJ.

DATE : JANUARY 17, 2019.

Heard.

2. This Public Interest Litigation is initiated to prevent the State Government and the Nagpur Municipal Corporation from spending funds for development of Sonegaon Lake occupying area ad-measuring 16.42 H of land, for the purpose of beautification and maintenance. The contention in the petition is that this Sonegaon Lake is owned by respondent nos. 4, 5 and 7, who are private individuals

2

and no steps are taken to conclude the acquisition of Sonegaon Lake.

3. The learned Counsel appearing for respondent nos. 4 and 7, claiming to be owners of Sonegaon Lake, makes a statement that looking to the nature of the property, the owners have no objection if the water body is acquired by the State Government at the instance of the Nagpur Municipal Corporation. The petitioners shall also not object to carry out any developmental activities in the Sonegaon Lake from the funds spent either by the Nagpur Municipal Corporation or the State Government, upon acquisition of the land.

4. In view of the aforesaid position, this Public Interest Litigation is disposed of by an order as under :-

- (i) The State Government or the Nagpur Municipal Corporation shall go ahead with the process of acquisition of the water body, taking possession and to carry out the developmental activities thereon.
- (ii) The question of determination of

3

compensation – whether it should be under the provisions of Land Acquisition Act, 1894 or under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, is kept open to be adjudicated in Writ Petition No.966/2000, filed by one of the owners.

- (iii) There shall be no impediment in the way of the State Government or the Nagpur Municipal Corporation in taking over the possession of the Sonagaon Lake and to carry out the developmental activities by spending funds.
- (iv) None of the arrangement, as aforesaid shall come in the way of the owners in prosecuting their claim to urge that the acquisition in question has notionally lapsed and compensation as per the provisions of 2013 Act is required to be granted.

JUDGE**JUDGE**

Rgd.