

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.9400 OF 2016

Balaram Govind Gaikwad	...	Petitioner
versus		
Kalyan Dombivali Municipal Corporation and Ors.	...	Respondents

Mr. R.D.Suryawanshi, for Petitioner.
Mr. A.S.Rao, for Respondent No.1.

**CORAM: S.J. KATHAWALLA &
B.P.COLABAWALLA, JJ.**

DATE: 2nd JANUARY, 2020

P.C.:

1. The possession of the land owned by the Petitioner is admittedly taken over by the Kalyan Dombivali Municipal Corporation ('the Corporation') about 24 years back i.e. in the year 1994. The Petitioner has not received compensation for the same till date and has therefore, filed the above Writ Petition seeking necessary directions against the Corporation.
2. The learned Advocate for the Petitioner states that the Petitioner shall file a fresh application with Respondent No.1 Corporation as required under Paragraphs 3, 4, 6 and 9 of its Affidavit in Reply seeking compensation for the land admittedly belonging to the Petitioner, of which possession is already taken by the Corporation.
3. The Corporation has filed its affidavit stating that the Petitioner has not filed

the application seeking compensation in the prescribed format and is required to file the application as set out in paragraphs 3, 4, 6 and 9 of its Affidavit in Reply.

4. The learned Advocate appearing for the Petitioner states that the Petitioner is ready to file a fresh application as required by the Corporation. However, it is the Taluka Inspector of Land Records (TILR) who will have to first measure the subject land and submit his report to the Corporation. In view of the above, we pass the following order :

(i) The Petitioner shall within a period of one week from today make an application to the TILR seeking measurement of the subject land.

(ii) The TILR without wasting any time, measure the subject land and submit his report to the Corporation with a copy of the same to the Advocate for the Petitioner within a period of two weeks from the date of receipt of such application from the Petitioner.

(iii) The Petitioner shall file a fresh application seeking compensation as per the format required by the Corporation within a period of two weeks from the date of receipt of the copy of the report from the TILR.

(iv) The Corporation shall dispose off the application of the Petitioner seeking compensation in accordance with law within a period of two weeks from the date of receipt of the same.

5. The above schedule is fixed by the Court since as stated hereinabove, the Petitioner has not received any compensation from the Corporation since the last 24 years, despite the Corporation having taken possession of his land as far back as in the year 1994. The authorities are put to notice that if they fail to adhere to the schedule fixed by this Court hereinabove, the Court will be constrained to take stern action against them.

6. The Writ Petition is accordingly disposed of.

(B.P.COLABAWALLA, J.)

(S.J.KATHAWALLA, J.)