

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

WRIT PETITION NO. 803 OF 2018

Madhavi Kishor Shinde

.....Petitioner

v/s.

The State of Maharashtra and ors.

.....Respondents

Mr. J. Shekhar a/w. Sairuchita Chowdhary i/b. J. Shekhar and
Co. for the Petitioner.

Ms. P.N. Diwan, AGP for the State / Respondent No.1.

Mr. S.B. Talekar i/b. Talekar and Associates for
Respondent Nos.2 and 3.

**CORAM: A.A. SAYED, AND
SMT. ANUJA PRABHUDESSAI, JJ.**

DATE : 13th JANUARY, 2020.

P. C. :-

. The Petitioner has filed this Petition for the following relief :-

“ B. This Hon’ble Court may kindly issue a writ of mandamus and any other appropriate writ and/or direction and/or order and thereby direct the Respondents No.2 and 3 to pay the monetary compensation to the Petitioner in connection with land situated at Survey No. 231/1/F and land situated at Survey No.231/1/J having total area of 434 Sq. Mtrs. in connection with 12 Mtrs. wide Development Plan Road in Hadapsar area ; ”

2. According to the Petitioner, the Respondent – Corporation had constructed the road of 4 mtrs on the land of the Petitioner for which he is entitled to claim compensation.

3. In paragraph 9 of the Affidavit-in-Reply filed on behalf of the Respondent Nos.2 and 3, it is stated as follows :-

" 9. I say that the 12 mtr road passing through S.No.231 was in existence even before the Hadapsar area was included within the municipal limits of Pune Municipal Corporation. The 12 mtr road is in existence for more than 35 years and has attained the character of road by user. "

4. There is no Affidavit-in-Rejoinder filed by the Petitioner controverting the aforesaid statements. In the facts and circumstances of the case, we find that the Petitioner has approached to the Court after an inordinate delay of 3½ decades.

5. This is not a case to exercise the extra-ordinary writ jurisdiction of this Court. The Writ Petition is accordingly dismissed.

Preeti
H.
Jayani

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Preeti H.
Jayani
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(SMT. ANUJA PRABHUDESSAI, J.)

(A.A. SAYED, J.)