

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

960 WRIT PETITION NO.8875 OF 2021

RAJENDRA KESHAVRAO MORE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. N. R. Thorar h/f Mr. Shingnapure
Ravindra K.

AGP for Respondents/State: Mr. P. K. Lakhotiya
Advocate for Respondent Nos.1 & 5: Mr. A. G. Talhar

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**CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATE : 13th August, 2021

P.C. :

. The Petitioner seeks direction against the Respondent No.1 to initiate the proceedings as per Government Resolution dated 15th March, 2016 and further seeks direction against the Authority to purchase the plot of the Petitioner as per the said Government Resolution. The acquisition proceedings are initiated under notification dated 3rd December, 2019. The same is sought to be quashed.

2. We have heard the learned counsel for the Petitioner.

3. Clause-3 of the said Circular dated 15th March, 2016 relied by the Petitioner reads thus:

“3. The proposal has been considered in this Ministry and it has been decided that the process of acquisition of land through consent may be adopted as an exception, preferably upto 10% of total quantum of land acquisition in a construction package, only in the following cases:

(a) Mission plots which are left out from the bulk acquisition; and

(b) Additional land required due to alteration of alignment at implementation stage.”

4. The Clause-3 of the Circular is abundantly clear. It states that the process of acquisition of land through consent may be adopted as an exception, preferably upto 10% of total quantum of the land acquisition in a construction package.

5. The Respondents have already initiated the acquisition proceedings by issuing a notification under Section 3D.

6. In light of the above, no further directions can be issued in the matter. Writ Petition is disposed of. No costs.

(R. N. LADDHA, J.)

(S. V. GANGAPURWALA, J.)