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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3769 OF 2021

Bhiva Kashinath Mhatre] .. Petitioner
vs.
State of Maharashtra & Anr.] .. Respondents

Dr.Abhinav Chandrachud, Mr.Vinod Shinde, Mr.Idris Vohra, Mr.Vinod Bade i/b Legal Affairs for Petitioner.

Smt.A.A. Purav, AGP for State-Respondent No.1.

Mr.Jagdish G. Aradwal (Reddy) for Respondent No.2.

**CORAM : PRASANNA B. VARALE &
N.R.BORKAR, JJ.**

DATE : 28th SEPTEMBER, 2021

P.C.

- 1] Heard learned counsel for the Petitioner.
- 2] Considering a limited issue involved in the Petition, as well affidavit-in-reply filed on behalf of Respondent No.2-Panvel Municipal Corporation, we deem it appropriate to dispose of the Petition at the admission stage itself by consent of parties.
- 3] Petitioner being aggrieved by the notice dated 12.02.2021 issued by respondent No.2, has filed the present Petition. It is submitted on behalf of the Petitioner that the tenor of the notice caused an apprehension in the mind of the Petitioner that the Respondent No.2-Panvel Municipal Corporation is trying to usurp the property of the Petitioner without acquiring it in accordance with law.

4] In response to the contentions raised in the Petition, Affidavit in reply is filed on behalf of Respondent No.2-Panvel Municipal Corporation through Mr.Jyoti Sunendra Kawade, Assistant Director of Town Planning. In Paragraph 20 it is stated that so far as acquisition of the Petitioner's property is concerned, the same is in process and office of the answering Respondent has submitted a proposal for acquisition of the portion of the property of the Petitioner to the District Collector on 10.06.2021 and in turn by letter dated 29.06.2021, the office of the District Collector has appointed Sub Divisional Officer, Panvel as Land Acquisition Officer for acquiring property including property of the Petitioner for construction of 24 meters wide D.P. road under the provisions of New Land Acquisition Act, 2013.

5] It is further stated that the District collector has initiated the acquisition proceedings under the New Land Acquisition Act, 2013 and therefore there is no question of taking forcible possession of the Petitioner's property for constructing the road as is otherwise alleged by the Petitioner.

6] In our opinion, these statements are sufficient enough to remove any apprehension in the mind of the Petitioner which prompted the Petitioner to approach this Court by filing the present Petition.

7] On the backdrop of the statements made by responsible officer of Respondent no.2, nothing survives in the Petition.

8] Writ Petition is accordingly disposed of.

9] All concerned to act on an authenticated copy of the order.

[N.R.BORKAR, J]

[PRASANNA B. VARALE, J]