

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition No. 1298/2019

Rajkumar Nandalal Kabra and ors.

...Petitioners

Versus

The State of Maharashtra and ors.

...Respondents

Shri G.K. Mundhada, Advocate for the Petitioners

Shri D.P. Thakare, AGP for the Respondent Nos. 1 and 3- State

Shri D.M. Kale, Advocate for Respondent No. 2

**CORAM : NITIN JAMDAR AND
ANIL S. KILOR, JJ.**

DATED : 24 FEBRUARY 2021

P.C.:

Heard learned Counsel for the parties.

2. On 17 February 2021 following order was passed:

“Heard learned Counsel for the Parties.

2. *Leave to amend to join ‘Town Planner, Buldhana’ as party Respondent. Necessary amendment be carried out forthwith.*

The learned Counsel appearing on behalf of the Respondent No.2 Council accepts that compensation will have to be paid to the Petitioners, but, states that there are certain administrative difficulties before the amount is finalized.

2. *The learned Counsel for the Petitioner points out that the possession is taken in the year 2014 and yet compensation is not paid.*

3. *The learned Counsel for the Respondent No.2 Council states that he will take instructions from the Chief Officer as to within how much time the compensation would be disbursed to the Petitioners,*

after following necessary procedure. If no such time line is framed, the Respondent No.2 is put to notice that this Court will issue a time bound direction, as may be appropriate.

4. Matter be listed on 24 February 2021 under the caption “Order matters”.

3. An affidavit is filed on behalf of the Respondent No. 2-Chief Officer, Municipal Council, wherein no commitment whatsoever is given except setting out the procedure required and that after availability of the funds from the State Government compensation would be paid. This cannot be accepted.

4. We had given an opportunity to the Respondents to set a time limit. For their failure to place time limit on record on affidavit, we are constrained to set a time limit ourselves. We dispose of the Petition directing that the Respondents collectively will make an endeavor to disburse the compensation according to them payable to the Petitioners within a period of six months from today.

5. The Writ Petition is accordingly disposed of.

[ANIL S. KILOR, J.]

[NITIN JAMDAR, J.]