

rkmore

Digitally
signed by
RAJSHREE
KISHOR
MORE
Date:
2022.05.06
16:02:48
+0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5464 OF 2022

Nitu Suresh Gaikwad & Ors.] .. Petitioners

vs.

The State of Maharashtra & Ors.] .. Respondents

Mr.Gaurav Potnis i/b Pallavi Potnis for Petitioners.

Smt. M.P. Thakur, AGP for State.

**CORAM : S.V. GANGAPURWALA &
M.G.SEWLIKAR, JJ**

DATE : 4TH MAY, 2022.

P.C.

1] The Petitioners are issued with notice under Section 478 of the Municipal Corporation Act on the ground that the construction is unauthorized.

2] The learned counsel for the Petitioners submits that the Respondents have also issued declaration under Section 126(4) of the Maharashtra Regional Town Planning At, 1966 read with Section 19 of the Right to Fair compensation in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The Award is not yet passed and abruptly on 12.04.2022 the Petitioners are issued with notice for demolition. It is submitted that till the measurement is conducted, the structures may not be demolished and the valuation of the structure will have to be undertaken.

3] We asked the learned counsel for the Petitioners to show any permission for construction of the structure, which is sought to be demolished vide notice under Section 428 of the Municipal Corporation Act. But no such permission is shown by the Petitioners.

4] The notice is issued to the Petitioners on the ground that the construction is unauthorized. The Petitioners certainly are not entitled for the compensation of unauthorized structure.

5] As the Petitioners are not in a position to demonstrate that the structure for which notice has been issued is authorized structure, no relief can be granted to the Petitioners.

6] Writ Petition is disposed of. No costs.

[M.G.SEWLIKAR, J]

[S.V.GANGAPURWALA,J]