

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

INTERIM APPLICATION NO.598 OF 2022

IN

WRIT PETITION NO.9146 OF 2011

Lalchand Kalmal Barant

since deceased through LRS and ors. .. Applicants/Petitioners

v/s.

Director of Town Planning & Ors. .. Respondents

Mr. Nitin Gaware Patil i/b. Sanjay Kotkar for the applicants.

Mrs. A.A. Purav, AGP, for the State- for the respondent nos.1 to 5.

Mr. S.S. Patwardhan a/w Ms. Mrunal Shelar for respondent no.6

CORAM : R.D. DHANUKA &

KAMAL KHATA, JJ.

DATED : 14TH SEPTEMBER, 2022.

P.C. :

1. By this Interim Application, the applicants (Original Petitioners) prayed for restoration of the Writ Petition no.9146 of 2011 which was disposed off by an order dated 1st July, 2021 passed by this Court granting liberty to the parties to apply in case of difficulty. By the said order, this Court has already granted specific liberty to the applicants to apply for restoration of the petition and press for

reliefs in terms of prayer clauses (a) to (c), if the respondents do not comply with the process of acquisition within the time prescribed under Section 19 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ("said Act").

2. Mr. Patil, the learned counsel for the applicant invited our attention to the order dated 1st July, 2021 and submits that no steps are taken by the respondents to comply with the said order or to complete the process of acquisition within the time prescribed under Section 19 of the said Act. The applicants have thus filed this application for restoration of the writ petition in pursuance of the liberty granted in paragraph 12 of the said order.
3. Mr. Patwardhan, the learned counsel for respondent no.6 tenders affidavit of respondent no.6 affirmed on 12th September, 2022 signed by the Town Planner-II, Malegaon Municipal Corporation, stating that the learned Administrator by his order no.8/2022 dated 6th September, 2022 has deferred the decision on the subject until such time the General Body of respondent no.6 is constituted post elections. The learned counsel states, on instructions, that the elections for the General Body of the

respondent no.6 is likely to be held shortly. Statement is accepted.

4. The fact remains that no steps are taken by the respondents in compliance with the order passed by this Court. The applicants have thus rightly filed this application for restoration of the Writ Petition no.9146 of 2011.
5. Writ Petition no.9146 of 2011 is restored to file. Writ petition will have to be heard finally.
6. Place the mater on board for “directions” on 9th November, 2022, to enable to this Court to fix a peremptory date of final hearing.

(KAMAL KHATA, J.)

(R.D.DHANUKA, J.)