

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
WRIT PETITION NO. 2632 OF 2021

(Shitlamata Mandir Trust, thr. its Secretary Mr. Pradeep Yashvantrao Motghare, Nagpur Vs. State of Maharashtra & Anr.)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri S.D. Khati, Advocate for the petitioner.
Ms. N.P. Mehta, A.G.P. for respondent No.1/ State.
Shri S.K. Mishra, Senior Advocate with Shri Kaustubh Deogade, Advocate for
respondent No.2.

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE : JUNE 27, 2022.

The petitioner – Public Trust seeks compensation towards land admeasuring 245.175 square meters possession of which has been handed over to respondent No.2 for its Metro project. According to the petitioner, for the structure standing on the said land, compensation of Rs.58,88,735/- has already been paid by respondent No.2 to the Trust.

In the reply filed by respondent No.2, it has been stated that considering the Revenue Entries against the land in question, the title of the true owner would have to be verified. It is urged that the Trust does not have a clear title since the land is recorded under Category - I.

On perusal of the material on record, we find that it would be for the Trust to satisfy respondent No.2 that it has a legal right to receive amount of compensation for the land admeasuring 245.175 square meters. If respondent No.2 is satisfied by the claim of the petitioner, it would be entitled to pay the amount of compensation for the land in accordance with the prevailing policy.

In view of aforesaid, liberty is granted to the Trust through its Secretary to approach respondent No.2 with all relevant documents to indicate its entitlement to receive compensation for the land admeasuring 245.175 square meters. If after such consideration respondent No.2 is not satisfied as regards the right of the Trust, it is free to take such steps as are permissible in law to seek redressal of its grievance. All points raised in the Writ Petition are kept open. Since, the possession of the land admeasuring 245.175 sq.mtr. is admittedly

handed over to respondent No.2, the Trust shall not undertake any construction on that part of the land.

The Writ Petition is disposed of.

(URMILA JOSHI-PHALKE, J.)

(A. S. CHANDURKAR, J.)

SUMIT