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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

907 WRIT PETITION NO.1845 OF 2017

**YOGESH VITHALBHAI ZAVERI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Mr D. P. Palodkar, Advocate for Petitioner;
Mr S. B. Yawalkar, A.G.P. for Respondent Nos.1 & 4
Mr S. V. Deshmukh, Advocate for Respondent Nos.2 & 3

**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRAGADE, JJ.**

DATE : 8th August, 2023

PER COURT:

1. The learned Advocate for the Petitioner submits on instructions that, paragraph Nos.3 and 4 of the additional affidavit-in-reply filed on behalf of CIDCO, dated 24/04/2023, would take care of the grievance of the Petitioner. All the parties agree that, if the land of the Petitioner is ultimately acquired by CIDCO, Section 19 Notification under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the 2013 Act'), read with Section 126 (4) of the MRTP, can be issued.

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2. It is undisputed that, 7.36 H R land in the Waluj Mahanagar area is acquired by CIDCO. For the sake of brevity, we are reproducing paragraph Nos.3 and 4 of the above referred affidavit, hereunder :

“3. That, after the decision of the state the joint meeting was conducted by the Ld. Collector and it is decided to acquire the total area of 7.36 H.R land which was utilized for development and as far as rest of the area ie 124.40 H.R is concerned it is decided to take steps for deletion of the said area from acquisition proceedings. That, out of total area under the acquisition i.e 7.36 H.R. the notification in respect of 0.55R is remained to be issued which includes the area of the Petitioner and appropriate steps will be taken for issuance of Notification of acquisition of 0.55R land.

4. That as far as land of the Petitioner is concerned it falls under the total area i.e 7.36 H.R to be acquired. That, in the meeting dated 12.4.2023 certain timeline and procedure including the measurement to complete acquisition process are stated and hence as per the said guidelines the CIDCO is in process of preparation of proposal for acquisition of the land including the land of the Petitioner and appropriate proposal for acquisition will be placed before the competent authority at earliest. Hereto annexed and marked as Exhibit R-1 is the Copy of the minutes of the meeting dated 12.4.2023.”

3. The learned Advocate for CIDCO submits that the proposal would be forwarded to the District Collector within a

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reasonable period and preferably within three months. The measurement has already been done on 04/08/2023.

4. The learned Advocate for the Petitioner submits that the measurement report can be sought within 15 days and the proposal may be directed to be forwarded within 15 days.

5. In view of the above, **this petition is disposed off** in the light of paragraph Nos.3 and 4 reproduced above. As the measurement has already been done on 04/08/2023, let the competent authority submit the measurement report, on or before 31/08/2023. There shall be no extension of time. Thereafter, CIDCO would forward the proposal within 30 days from the date of the receipt of the report. Section 19 Notification of the 2013 Act read with Section 126 (4) of the Maharashtra Regional and Town Planning Act, 1966 (the MRTP Act), shall be published within 30 days thereafter. Needless to state, the appropriate procedure laid down in law would be followed.

6. The requisite amount, as is prescribed in law, shall be deposited by the acquiring body within the time frame, as is prescribed in law. Section 19 Notification read with Section 126 (4) of the MRTP Act shall be issued by the Special Land

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Acquisition Officer by following the due procedure laid down in law.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk