

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2400 OF 2020
with
CIVIL APPLICTION NO. 9050 OF 2023

Ravindra S/o. Rajaram Belambe

.. Petitioner

Versus

The Municipal Corporation Latur,
through its Commissioner and another. .. Respondents

Shri Sharad V. Natu, Advocate for the Petitioner.

Shri S.S. Dande, A.G.P. for the Respondent No.1

Shri Hanmant V. Patil, Advocate for respondent No. 1

Shri Bipinchandra K. Patil, Advocate for intervenor.

CORAM : NITIN JAMDAR, ACTING CJ &
S. G. CHAPALGAONKAR, J.

DATE : 24 JULY 2023.

PER COURT :-

Heard learned counsel for the parties.

2. The petitioner is seeking direction to the respondent No.1 – Municipal Corporation to acquire 70x6 meters area out of land Survey No. 258 in Plot No. B and C (Reservation No. 289) situated at Latur, as per the provisions of the Right to Fair

Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

3. According to the petitioner, the Municipal Corporation, by passing a resolution in the general body on 1st March 2011, has accepted that it is a road created for use of general public and the land over which the road is constructed belong to the petitioner which should be acquired and the petitioner be paid compensation.

4. The learned counsel for the Municipal Corporation states that it's resolution of the year 2011 has not been acted upon by the subsequent general body. He has drawn our attention to the affidavit filed, stating that the option of FSI/TDR can be considered.

5. According to the intervenor, the civil suit for injunction filed by the petitioner has been dismissed and appeal filed there-against, is pending.

6. Without going into the question which is pending in the civil court, we are of the opinion that the Municipal Corporation must make its stand clear, as to whether it is proposing to acquire the concerned area or land or not. If it is

supporting general public to use the road as general thoroughfare, then it must take steps in that regard. If it is treating it as a private road, then, the rights of the petitioner will be governed accordingly.

7. We, therefore, direct the Municipal Commissioner of the respondent Corporation, to pass a specific order specifying the stand of the Municipal Corporation on the above issue and serve a copy thereof to the petitioner. Before passing the order, the Municipal Commissioner shall give an opportunity to the petitioner to place the necessary documents on record and pass appropriate order. If the order is adverse to the petitioner, it is open for the petitioner to take appropriate steps, in accordance with law.

8. We make it clear that the above observations will not affect the pending civil suit.

9. With these observations, writ petition is disposed of. Civil application for intervention is allowed and disposed of .

(S. G. CHAPALGAONKAR, J.) (ACTING CHIEF JUSTICE)

grt