

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

WRIT PETITION NO. 5756 OF 2023

Babu Kashinath Palange deceased
through the legal heirs & ors.

.. Petitioners

v/s.

State of Maharashtra & ors.

.. Respondents

...

Mr. Yatin Malvankar i/b. Mr. Tanaji Mhatugade, for Petitioners.

Mr. V.M. Mali, AGP for Respondent Nos. 1, 3, 4.

...

**CORAM : AMIT BORKAR &
KAMAL KHATA, JJ.
(VACATION COURT)**

DATED : MAY 9, 2023.

PC. :

1. Not on board. Upon production, taken on board.

2 The limited grievance raised in the Petition is that the Municipal Corporation (planning authority) is intending to take possession in excess of area specified in the award passed under section 36 of the Act. The learned Advocate appearing for the Respondent No. 4 states that possession under section 38 of the Act shall be restricted to the portion, which is the subject matter of the award under section 36 of the Act. In that view of the matter, nothing remains for adjudication in the Petition. Hence, the Petition is disposed of accordingly.

(KAMAL KHATA, J.)

(AMIT BORKAR, J.)