

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO.8237 of 2019

MOIL Ltd. through its Chairman-cum-Managing Director, Nagpur.

vs.

State of Maharashtra, through its Chief Secretary, Department of Urban Development,
Mumbai and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Masood Shareef, Advocate for petitioner.

Ms N. P. Mehta, Assistant Government Pleader for respondent no.1.

Shri G.A.Kunte, Advocate for respondent nos. 2 and 3.

CORAM :- A.S.CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ.

DATE :- 3rd JULY, 2023

P.C.

Rule. Rule made returnable forthwith and heard the learned counsel for the parties.

2. Land admeasuring 761 square meters owned by the petitioner was affected by the project of road widening undertaken under the Integrated Road Development Scheme. In that regard, the petitioner sought monetary compensation alongwith other benefits.

3. Today, on instructions, the learned counsel for the petitioner submits that instead of monetary compensation, the petitioner is desirous of obtaining Transferable Development Rights in view of the decision taken by the petitioner through its Board.

4. Shri G.A.Kunte, learned counsel for the respondent nos. 2 and 3 submits that presently the Planning Authority is the Nagpur Municipal Corporation and subject to fulfillment of requisite terms and conditions, the aspect of grant of Transferable Development Rights could be considered.

5. In the aforesaid facts, the following order would meet the ends of justice:

(i) The petitioner is permitted to approach the Nagpur Municipal Corporation for seeking grant of Transferable Development Rights for the area affected by the road widening project.

(ii) Subject to the petitioner complying with the norms prescribed by the Nagpur Municipal Corporation, said request shall be considered in accordance with law and the benefit if admissible under the Transferable Development Rights Policy shall be released in favour of the petitioner. The entire exercise be completed within a period of three months on a complete proposal being made by the petitioner.

(iii) With these directions, the writ petition is disposed of. Rule accordingly. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A.S.CHANDURKAR, J.)

Andurkar.