



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

901 WRIT PETITION NO. 1637 OF 2024

SHIKHA V. JHUNJHUNWALA

VERSUS

THE STATE OF MAHARASHTRA THROUGH
DEPARTMENT OF URBAN DEVELOPMENT AND OTHERS

...

Shri Devdatt P. Palodkar, Advocate for the Petitioner
Shri S.K. Tambe, AGP for Respondent Nos.1 to 4 and 8
Shri Vaibhav P. Deshmukh, Advocate for Respondent Nos.5 to 7

...

CORAM : RAVINDRA V. GHUGE
&
R.M. JOSHI, JJ.

DATE :- 01st March, 2024

Per Court :-

1. This is a motion for speaking to the minutes of the order dated 23.02.2024.
2. The learned Advocate for the Petitioner submits that since common orders were passed in identical matters, he had also agreed for a common order. However, one sentence "*there are certain internal disputes between the Petitioner and his relatives*", is not applicable to his case.
4. The above sentence be deleted from paragraph 3 of the order dated 23.02.2024. The said paragraph would now read

as under:-

“The learned Advocate appearing on behalf of the Waluj Notified Area, CIDCO submits that the CIDCO had offered TDR to the Petitioner, which is not accepted.”

5. It is submitted that Shri Palodkar, the learned Advocate, had appeared on behalf of the Petitioner and Shri Deshmukh, the learned Advocate, had appeared on behalf of Respondent Nos.5 to 7. The learned AGP had appeared on behalf of Respondent Nos.1 to 4 and 8. Appearance clause needs to be corrected. Hence, the appearance clause be corrected.

6. It is further mentioned that in paragraph Nos.4 and 5, the word “Corporation” needs to be replaced by the word “CIDCO”. As such, the replacement be carried out.

7. In view of the above, **this motion is allowed.** Corrections be carried out accordingly and a corrected order be uploaded.

kps

(R.M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)

(This order stands corrected and uploaded in view of the order dated 01.03.2024 passed on the motion for speaking to the minutes of the order.)

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

909 WRIT PETITION NO. 1637 OF 2024

Mrs. Shikha V. JhunjhunwalaPetitioner

VERSUS

The State of Maharashtra & OthersRespondents

.....

Shri Devdatt P. Palodkar, Advocate for the Petitioner
Shri S.K. Tambe, AGP for Respondent Nos.1 to 4 and 8
Shri Vaibhav P. Deshmukh, Advocate for Respondent Nos.5 to 7

**CORAM : RAVINDRA V. GHUGE AND
R. M. JOSHI, JJ.**

DATE : 23rd FEBRUARY, 2024.

PER COURT :

1. The CIDCO, Waluj Mahanagar, Chhatrapati Sambhaji Nagar has entered the affidavit-in-reply dated 23rd February, 2024.

2. Heard the learned Advocates for the respective parties.

3. The learned Advocate appearing on behalf of the Waluj Notified Area, CIDCO submits that the CIDCO had offered TDR to the Petitioner, which is not accepted.

4. The issue raised by the **CIDCO** is no longer *res integra* in the light of the Full Bench judgment of this Court in Shree Vinayak Builders & Developers Vs. the State of Maharashtra and Others, **(2022) 4 Mh.L.J. 739 : (2022) DGLS (Bom.) 2061**, keeping in view the law laid down in Girnar Traders Vs. State of Maharashtra and Others, **AIR (2007) SC 3180 : (2007) 7 SCC 555**. As such, offering TDR is not considered to be a step towards acquisition of the land which is under reservation.

5. In view of the above, **this Writ Petition is allowed**. The **CIDCO** shall forward the proposal to Respondent No. 1 for releasing the land from reservation, within 30 days from today. Needless to state, Respondent No. 1 shall thereafter issue the necessary Notification within a period of 90 days.

(R. M. JOSHI)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE

dyb