



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

WRIT PETITION NO. 1421 OF 2021

**SUBHASH MANAKCHAND ZAMBAD AND ANOTHER
VERSUS**

THE STATE OF MAHARASHTRA AND OTHERS

....

Mr. D. P. Palodkar, Advocate for the Petitioners

Mr. S. B. Pulkundwar, AGP for the Respondent – State

Mr. Jiwan J. Patil, Advocate for Respondent Nos. 5 to 8

....

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

DATE : 18.07.2024

PER COURT :-

1. The Petitioner has put forth prayer clause (B) as under:-

“(B) The Hon’ble High Court may be pleased to issue writ of mandamus or any other appropriate writ or order or direction in the nature of writ and thereby declare that the reservation of “Fish Market” admeasuring 20 R on the land of the petitioners out of Gut No.69(P) of village Golwadi, Tal and Dist. Aurangabad is lapsed and the land is free from reservation and available for development to the petitioners as per the use permissible to the adjacent land.”

2. The affidavit-in-reply on behalf of CIDCO indicates that CIDCO had offered TDR/FSI which the Petitioners have refused to accept. However, it is conceded that after the purchase notice was received by CIDCO, a notification u/s 19 of the Right to

Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, has not been issued.

3. It is concluded in *Shree Vinayak Builders & Developers Vs. The State of Maharashtra and Others, (2022) 4 Mh.L.J. 739*, that the offering of the TDR is not a step towards acquisition as is held by the Hon'ble Supreme Court in *Girnar Traders Vs. State of Maharashtra and Others, (2007) 7 SCC 555*.

4. Considering the above, we do not find that the contentions of CIDCO could be entertained to refute the request of the Petitioner for releasing the land from reservation.

5. In view of the above, this Writ Petition is allowed in terms of prayer clause (B).

6. Respondent No.1 shall issue an appropriate Notification within a period of 90 days from today.

7. Needless to state, if the model code of conduct is declared, the same shall not be an impediment for issuing the notification.

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]

SMS