

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 15918 OF 2023

YUGANDHARA
SHARAD
PATIL

Yogesh Pitambar Bhangale and Ors. ... Petitioners

Versus

The Ward Officer and Ors. ... Respondents

Digitally signed
by
YUGANDHARA
SHARAD PATIL
Date:
2024.02.08
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Mr. Kishor Patil a/w Mr. R.M. Haridas i/b Mr. Pratik B. Rahade,
for the Petitioners.

Ms. Archana Gaware a/w Mr. K.B. Dighe for Respondent Nos. 1
and 2- PCMC.

Mr. S.B. Kalel, AGP for Respondent Nos. 3 to 5.

.....

CORAM : NITIN JAMDAR &
M.M.SATHAYE, JJ.

DATE : 2 FEBRUARY 2024

P.C.:

The Petitioner has sought following reliefs:

*“a. Issue and appropriate Writ/Order
quashing and setting aside the acquisition
proceeding initiated by the Respondents in
respect of CTS Nos. 1246, 1253, 1255 and
Survey No. 278/7;*

*b. Issue and appropriate Writ/Order
quashing and setting aside the notice dated*

06/12/2023 (Exh-“G”) issued by the Respondent No. 2 under the Maharashtra Municipal Corporation Act for demolition of the suit property which are constructed on CTS Nos. 1246, 1253, 1255 and Survey No. 278/7.”

2. The grounds in the Petition are almost entirely based on the applicability of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Full Bench of this Court in the case of *Mehtab Laiq Ahmed Shaikh and Anr. Vs. State of Maharashtra and Ors.* has taken a view that Act of 2013 is not applicable to the acquisition proceedings initiated under the Maharashtra Town Planning Act. That being the position, there is no question of quashing the acquisition proceeding.

3. The notice issued by Respondent No. 2 is for demolition of the property on the ground of the structure being unauthorised. The only contention raised before us is that the notice could not have been issued by the Municipal Corporation as land is vested in the State Government. State Government is not before us contending that no such directions by Municipal Corporation can be issued in respect of the structures on its land. We are informed that the Respondent-Corporation is proposing to construct the public school. Considering this position, we had put to learned counsel for Petitioners that if Petitioners are ready to

vacate premises, some reasonable time to vacate could be considered.

4. Petition was adjourned for Learned counsel for Petitioners to take instructions. The learned counsel on instructions taken, states that Petitioners are not ready to make such a statement.

5. No case is made out to entertain the Petition. Writ Petition is dismissed.

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)