



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

WRIT PETITION NO.7176 of 2016

State Bank of India, Akola through its Chief Manager, PETITIONER
versus.
The State of Maharashtra and others ... RESPONDENTS

.....

Mr. M. Anilkumar, Advocate for petitioner.
Mr. N. S. Rao, Assistant Government Pleader for respondent nos. 1 and 3.
Mr. Apurv De, Advocate for respondent no.2.

.....

CORAM :- NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE :- 22nd AUGUST, 2024.

P. C.

Heard learned counsel for the parties.

2. The petitioner-Bank has approached this Court against the respondents seeking injunction in the matter of demolition of compound wall and taking over possession of certain area as reflected in the communication dated 17.12.2016 issued by the respondent no.2.

3. It appears that vide communication dated 17.12.2016, the respondent no.2 has sought the land to the extent of 864.18 square meters from the holding of the petitioner for the purpose of expansion of the road. The said communication further refers TDR was being offered to the petitioner which the petitioner has refused.

4. In this background, after the petitioner approached this Court, this Court has issued **Rule** and granted interim relief on 14.06.2019.

5. We are of the view that once the petitioner has refused to accept the TDR, there is no provision in law which can compel the petitioner to accept

the TDR as against the compensation to which the petitioner is entitled in accordance with the statutory provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act, 2013(for short, the Said Act).

6. That being so, we deem it appropriate to dispose of the petition by directing the respondent no.2 to follow the procedure prescribed under the law/the Said Act, in case there is need of the land as has been mentioned in the communication dated 17.12.2016.

7. We take on record the consent of the petitioner that it is willing to extent co-operation in the matter of expansion of road which is in the public interest.

8. With these observations, the writ petition stands disposed of. Rule accordingly. No costs.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

Andurkar.