



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7843 OF 2024

Ravindra Champalal Khinvasara

..PETITIONER

VERSUS

State of Maharashtra and Others

..RESPONDENTS

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Mr. A.A. Yadkikar a/e Mr. Akshay Kulkarni and Mr. Shyam Jawale, Advocates
for petitioner

Mr. A.S. Shinde, A.G.P. for respondent nos. 1 and 2

Mr. S.P. Urgunde, Advocate for respondent no.3

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CORAM : R.G. AVACHAT AND
SANDIPKUMAR C. MORE, JJ.

DATE : 15th APRIL, 2025

PER COURT :

1. Heard.

2. The land of the petitioner has been acquired way back in 1989. However, the award has not yet been passed. Meaning thereby, not a single rupee has been paid to the petitioner. Admittedly, the petitioner has been given TDS equal to the land acquired.

3. Now the petitioner has come before us and submits that the land acquired may be treated as one to have been surrendered by the petitioner and he be granted two times TDR of the area of the land acquired, in view of Clause 40.4 of the notification dated 20th September, 2016 issued by the Urban Development Department, Government of Maharashtra.

4. Learned counsel for Respondent No.3 – Corporation has strong objection. According to him, the petitioner is not entitled for additional TDR. He submits that no award is required to be passed for giving TDR to the petitioner. He further submits that in terms of the government rules and regulations, the petitioner has been given requisite TDR. He, therefore, urged for dismissal of the petition.

5. This is second round of litigation. Respondent No.3 – Corporation was imposed with penalty of Rs.2 lakhs in contempt petition, since it did not comply with the Court's order to grant the petitioner TDR in terms of the rules and regulations.

6. It is pathetic condition that the land of the petitioner has been taken over way back in 1989, still no award has been passed and the petitioner has not been given even a single rupee towards compensation. If the acquisition proceedings are now to be taken up, those would necessarily be in terms of the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The petitioner now submits that the land taken over by Respondent No.3 – Corporation be treated as one to have been surrendered for development of road and other amenities. For such surrender in terms of Clause 40.4 of the said notification, the land owner is entitled for two times TDR i.e. two times

equal to the area of land surrendered. In the case in hand, there is no dispute about the area of land surrendered. The land was situated in no congested area. In view of the said regulation, the petitioner is thus entitled for TDR two times equal to the area of the land surrendered. Admittedly, the petitioner has been given one TDR. Thus, one more TDR is required to be given. We, therefore, allow the writ petition in terms of following order :-

Respondent No.3 – Corporation shall give the petitioner one more TDR equal to the land taken, within a period of three months from the date of receipt of copy of this order. Needless to mention, as per the statement made by learned counsel for the petitioner, the petitioner would withdraw all other proceedings initiated against Respondent No.3 – Corporation for the present cause. The petitioner waives all other statutory rights.

(SANDIPKUMAR C. MORE, J.)

(R.G. AVACHAT, J.)

SSD