

Nandgude Vs. Pimpri Chinchwad Municipal Corporation & Ors. (WP 5658 of 2024) decided on 15 October 2024. The operative part of the said order passed by this Court in the said proceeding, reads thus:

“ORDER

- i. Respondent No.1 is directed to grant the petitioner TDR/FSI equivalent to the monetary compensation and by considering the issuance of “Pra-Patra (a) and (b)” as granted to the petitioner in pursuance of our order dated 11 October 2024.
- ii. In the alternative to (I) above, in the peculiar facts of the case, there shall be also an option to the petitioner to receive either the TDR/FSI and/or to receive monetary compensation as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 considering the law as laid down by the Supreme Court in Indore Development Authority (supra).
- iii. In the event, the petitioner intends to accept the TDR/FSI, the same be released in favour of the petitioner within one week of the petitioner informing the Deputy Director, Town Planning, his intention to avail the TDR.
- iv. In the event, the petitioner is not interested to avail of the TDR, in that event, respondent No.1 shall pay to the petitioner monetary compensation as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, within a period of six weeks of making such request, along with appropriate interest calculated from the day the petitioner was deprived of his land till payment.”

3. Mr. More, learned Counsel for respondent No.1-municipal corporation has placed on record a communication dated 20 March 2025 addressed by the Deputy Director, Town Planning, Pimpri Chinchwad Municipal Corporation, to the petitioner.

4. Mr. More, learned Counsel for the municipal corporation would submit that the petitioner is under an obligation to hand over the land which is the part of Survey nos.52, 53, and 55 admeasuring around 10 gunthas free from any

encumbrances. Mr. Kulkarni, learned Counsel for the petitioner, on instructions, submits that there is encumbrance in regard to the portion of the land, of Sant Savatamali V. K. Seva Sahakari Society Ltd. in regard to the loan of Rs.6 lakhs. He submits that the petitioner is ready and willing to submit the municipal corporation an indemnity that the municipal corporation would not be liable for any claim whatsoever for any amount being claimed by the said society. If this be so, we permit the petitioner to submit such indemnity bond to the municipal corporation. On such indemnity bond being submitted the municipal corporation shall consider the petitioner's case for grant of TDR in accordance with law and as granted to the other owners of the lands, whose lands are already acquired. All contentions of the parties in that regard are expressly kept open.

5. Needless to observe that if the petitioner is of the opinion that the TDR offered by the municipal corporation is not adequate, it is available for the petitioners to make a claim for compensation. All contentions of the parties in that regard are expressly kept open.

6. Let a decision be taken on the issue by the municipal corporation as expeditiously as possible in any case within a period of three months from the date an indemnity bond is furnished by the petitioner. There shall not be any further extension on this count.

7. Petition is accordingly disposed of in the aforesaid terms. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)