

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.16275 OF 2024

Balasaheb Bhagwant Sankpal & Ors. ... Petitioners

Versus

The State of Maharashtra & Ors. ... Respondents

**Mr R D Suryawanshi i/by Mr Rakesh Patil, for Petitioner.
Mr Kedar Dighe, for Respondent No.2 (PCMC).
Ms M S Bane, AGP for the State.**

**CORAM : M.S. Sonak &
Jitendra Jain, JJ.**

DATED : 22 April 2025

PC (Per M.S.Sonak, J.):-

1. Heard learned counsel for the parties.
2. The petitioners have prayed for the following reliefs in this petition;

a) This Hon'ble Court be please to call for record an proceeding in respect proposed 12.00 mtrs. wide service road on both the side of Mumbai - Bangalore highway in Tathawade, Pimpri.

b) This Hon'ble Court be please to issue appropriate writ, order or direction in like nature, thereby hold and declare that the forceful possession by Respondent and their contractor to construct the proposed 12.00 mtrs. wide service road on both the side of Mumbai -Bangalore highway in Tathawade, Pimpri is bad in law.

c) This Hon'ble Court be please to issue appropriate writ, order or direction direct the Respondents follow the procedure stated in National Highway Act to acquire

Petitioners land and further direct to determine the amount of compensation for acquiring lands for proposed 12.00 mtrs. wide service road on both the side of Mumbai - Bangalore highway in Tathawade, Pimpri.

d) This Hon'ble Court be please to issue appropriate writ, order or direction direct the Respondents follow the procedure of National Highway Act and The Land Acquisition Act, 2013 and further direct to pay compensation to the Petitioners within time bound period as deem fit by this Hon'ble High Court.

e) This Hon'ble Court be please to issue appropriate writ, order or direction, thereby direct the Respondents to carry out survey & measure affected area of the land owners as well as valuation of any kind of construction which is going to be affected and direct them to pay the compensation to the Petitioners.

3. As of this date, there are no serious allegations about any forceful dispossession or attempt at such forceful dispossession. The petitioners only apprehended that their alleged proprietary rights are likely to be invaded without following the due process of law. At this stage, no case has been made to believe that the Respondents have not complied with or do not intend to comply with the provisions of law as may be applicable.

4. Besides, Mr. Gaikwad, the Deputy Collector Town Planning, Pimpri Chinchwad Municipal Corporation (PCMC) (Respondent No.2) has filed an affidavit denying various allegations made in the petition. In Paragraph 13.1, there is a statement that no land is forcefully or illegally acquired as alleged. There is a statement that not even a single landowner has been dispossessed from their land without

following due process of law. Mr. Dighe, learned counsel for the PCMC, states that this petition is entirely premature and filed based on apprehensions without basis.

5. Without prejudice to the above, the PCMC has admitted that road widening would ultimately be necessary, and they are corresponding with the State and Highway Authorities, *inter alia*, for the acquisition of land for road widening purposes. Mr. Dighe states that joint measurements are yet to be commenced, and there is no reason for the petitioners to assume that the legal proceedings will not be followed.

6. Mr. Dighe also invited our attention to the statement made by Mr. Gaikwad in Paragraph 29 of the affidavit filed on behalf of the PCMC. Paragraph 29 reads as follows:

I say that petitioner have candidly made a statement on oath that they are not objecting to the said project and its construction. I say that they are apprehensive of they being fairly compensated for their lands. I hereby assure that all land owners will be appropriately and adequately compensated for their portion of land (to be acquired) as per provisions of law and various government resolutions issued from time to time in this regards. In short PCMC will be fair to all the land owners who's land will have to be acquired for the said project.

7. Thus, we are disposing of this petition for the present by accepting the statement made in paragraph 29 of the affidavit.

8. Mr. Suryavanshi submits that the Authorities insist that the petitioner accept the TDR instead of Monetary compensation. No relief is claimed in the petition in this regard. Mr. Suryavanshi states that there are such pleadings

in paragraph 12 of the petition. On reading paragraph 12, we find no such pleadings.

9. At this stage, it is not necessary for us to go into such controversies. However, we record that the Full Bench of this Court, in the case of *Shri Vinayak Builders and Developers Vs State of Maharashtra*¹ has held that the TDR by way of compensation cannot be forced on the landowners in case they wish to be compensated in terms of money. Therefore, we are sure that the Respondents will take cognisance of this decision and any other decisions on this issue when considering the issue of compensation.

10. The petition is disposed of in the above terms without any cost order.

(Jitendra Jain, J)

(M.S. Sonak, J)

¹ 2022(4) Mh.L.J. 739