



Pradnya

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 17835 OF 2024

Jaychand Shantilal Surana and anr. ...Petitioners

Versus

Barshi Municipal Council and ors. ...Respondents

Mr Ashutosh M. Kulkarni, i/b. Mr Akshay R. Kulkarni, for the
Petitioners.

Ms V. R. Raje, AGP, for the Respondent-State.

CORAM **M.S. Sonak &
Jitendra Jain, JJ.**
DATED: **2 January 2025**

PC:-

1. Mr Kulkarni, learned counsel appears for the Petitioners and Ms Raje, learned AGP appears for Respondent Nos.2 and 3.
2. Issue notice to the first Respondent, returnable on 6 February 2025.
3. In addition to the usual mode of service, private service/Hamdast is allowed. The Petitioners must file affidavit of service.
4. The first Respondent must file and serve an affidavit in response to this Petition by 30 January 2025. Similarly, even

the second and third Respondents should file an affidavit stating whether they have received any proposal for acquisition of the Petitioners' property from the first Respondent and the steps taken towards such acquisition.

5. The Petition alleges that first Respondent constructed a road on the Petitioners' property without acquiring the same. Accordingly, the Petitioners had instituted Writ Petition No.14111 of 2016 seeking either the restoration of the Petitioners' land or for a direction upon the Respondents to acquire the same and pay the Petitioners compensation.

6. Writ Petition No.14111 of 2016 was disposed of by order dated 29 March 2023. The first Respondent was directed to commence the acquisition proceedings so that the Petitioners obtain compensation in respect of the acquired land. The Petitioners complain that till date there is no acquisition and consequently, no compensation has been paid by any of the Respondents to the Petitioners.

7. At least prima facie, the authorities cannot take over the Petitioners' property and then refused to pay any compensation for all these years. Therefore, all the Respondents must file and serve their affidavits by 30 January 2025 explaining the status of compensation.

8. The Petitioners are also granted leave to file an additional affidavit indicating tentatively the compensation amount that would become payable to the Petitioners. The affidavit, if possible, must be backed by some credible material in support of the compensation amount. Such an affidavit should also be filed and served by 30 January 2025.

9. List the matter on 6 February 2025.

(Jitendra Jain, J)

(M.S. Sonak, J)