

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

**WRIT PETITION NO.6219 OF 2025**

Padma Ghansham Bhosale & Ors. ... Petitioners

*Versus*

The State of Maharashtra & Ors. ... Respondents

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**Ms Manisha Devkar a/w Ms Siddhi Patil, for the Petitioner.  
Mr Aditya Deolekar, AGP for the State/Respondent No.1 & 2.**

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

**DATED : 7 May 2025**

**PC:-**

1. Heard Ms Manisha Devkar for the Petitioner and Mr Deolekar the learned AGP for Respondent No.1 and 2.
2. At the request of learned counsel for the Petitioner, leave is granted to implead Maharashtra State Road Development Corporation (MSRDS) as Respondent No.6. Further, leave is granted to amend the Petition and place on record communication received by the Petitioner on 30 April 2025 from the Respondent Nos.4 and 5. Amendment to be carried out forthwith. Reverification is dispensed with.
3. Issue notices to the Respondent Nos.3, 4, 5 and newly impleaded Respondent returnable on 13 June 2025.
4. Ms. Devkar states that Respondent Nos. 4 and 5 officials have visited the Petitioners' property and demarcated the area

from the Petitioners' property to be used for road widening purposes. She points out that in this area the Petitioner has two shops. She asserts that the Petitioners have received no notices for acquisition and acquisition proceedings have not been taken out. She further expresses an apprehension that the Petitioners property would be taken over and their shops will be demolished without following due process of law.

5. Ms Devkar has brought on record communication received by the Petitioners on 30 April 2025 from Pandharpur Nagar Parishad, which offers the Petitioner FSI/TDR by way of compensation for the Petitioner's land, which is now proposed to be taken over. She relies on ***Shree Vinayak Builders & Developers Vs State of Maharashtra***<sup>1</sup> and submits that TDR/FSI can never be forced on the parties. In any event, such an offer is not a substitute for taking over the Petitioner's property without following due process of law.

6. From the documents placed on record and the apprehension expressed in the Petition, we are satisfied that the Petitioners are due some interim protection. There is nothing on record to indicate that any acquisition proceedings have been undertaken. The offer of TDR/FSI prima facie indicates that the Respondents wish to negotiate with the Petitioner for taking over the property. There is the issue of the demolition of shops involved.

7. Accordingly, we post this matter on 13 June 2025. Until the next date however, the Respondents are restrained from

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<sup>1</sup> 2022 (4) MLJ 739

dispossessing the Petitioner or taking any action against the Petitioners structures in the property bearing Survey No.4647/2/B/2/1.

8. Ms Devkar states that she will pay the process fees by tomorrow and give copies of the service to the unserved respondents. In addition to the usual mode of service, private service/humdust is also allowed. The Petitioner is to file an affidavit of service.

9. All concerned to act upon the authenticated copy of this order.

10. Stand over to 13 June 2025.

**(Jitendra Jain, J)**

**(M.S. Sonak, J)**