



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 6101 OF 2024

Krishna s/o Nitin Uttarwar
Vs.

State of Maharashtra, Thru. Its Secretary, Department of Urban Development, Mantralaya,
Mumbai and Ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Ranjit Bhuihar, Advocate a/w Mr. G.R. Kothari & Mr.
Nishant Patil, Advocate for petitioner.
Mr. N.S. Rao, AGP for respondent Nos.1 & 2/State.
Mr. Atul J. Pathak, Advocate for respondent No.3.

CORAM : ANIL S. KILOR AND
RAJNISH R. VYAS, JJ.

DATE : 07.10.2025.

In the present writ petition, the petitioner is claiming compensation towards land owned by the petitioner used by the Municipal Council for the construction of road as per the development plan.

2. Considering the reply of the Chief Officer – Municipal Council, it is an admitted fact that the petitioner was the owner of an agricultural land located at Survey No.11/1/B admeasuring 1H and 61R and of the Survey No.11/1 admeasuring 2.14 HR, cumulatively

admeasuring 3.55 HR at Pandharkawda, Taluka – Kelapur, District – Yavatmal.

3. It is an admitted fact that the land 0.36 Hectare was utilized for the construction of the DP road of 24 meters wide, owned by the petitioner. The said road was constructed in the year 2016.

4. In the above referred backdrop, it is not the case of the Municipal Council that the Municipal Council paid compensation to the petitioner towards the above referred land i.e. 0.36 Hectare, which was used for the construction of DP road. However, it is the case of the Municipal Council that the Survey No.11 was under reservation No.18 for the primary school and the said reservation was removed and the said land was de-reserved with an understanding that the petitioner will allow the Municipal Council to construct the road on 0.36 Hectare by way of barter.

5. It is further submitted that though negotiations to that effect were held, there is no document available with the Municipal Council as the record is misplaced, in that regard.

6. Considering the stand of the Municipal Council, the scope of the petition is now restricted to the entitlement of the petitioner to receive compensation.

7. It is to be noted that story of the Municipal Council that the land Survey No.11 which was under reservation No.18 for primary school is disputed by the petitioner and submitted that it was never de-reserved and still the said land is shown under reservation for primary school.

8. The Municipal Council has not filed any document to show that the said land was de-reserved and notification to that effect was issued by the Government under Section 127 of the Maharashtra Regional and Town Planning Act, 1966,

9. In the circumstances, denying compensation to the petitioner on the ground that there was negotiation between the Municipal Council and the petitioner and thereby it was agreed by the Municipal Council that the land of the petitioner reserved for primary school will be de-reserved and against the same land i.e. 0.36 HR will be utilised for the construction of DP road, cannot be accepted.

10. Even if the story as referred above of the Municipal Council is accepted, it is not the case of the Municipal Council that the petitioner was paid compensation against the land reserved for primary school and subsequently, the said land was returned back to the

petitioner and instead 0.36 land was taken from the petitioner for utilizing the same for the construction of DP road.

11. In the circumstances, the fact remains that no compensation has been paid by the respondent – Municipal Council to the petitioner for which the petitioner is entitled as per the law since the land owned by the petitioner is utilized for the purpose of construction of DP road.

12. In the circumstances, as there is no dispute about the ownership of the petitioner towards land used for the construction of DP road, the total area utilized for such construction of road and that no compensation was paid to the petitioner, we have no hesitation to hold that the petitioner is entitled to receive compensation towards land utilized for the construction of DP road by the Municipal Council.

13. Accordingly, the petition is allowed and we declare that the petitioner is entitled to receive compensation for the land Survey No.11/1 admeasuring 0.36 hectare at Pandharkawda, Tahsil – Kelapur, District – Yavatmal.

14. In view of the above referred declaration, we direct the respondents to determine valuation of the land

acquired by the Municipal Council as per the provisions of law as applicable and pay the compensation to the petitioner at the earliest.

15. The above referred procedure shall be completed by the respondents within next nine months. The learned counsel for the petitioner undertakes to communicate this order to the respondents within two weeks from today.

(Rajnish R. Vyas, J.)

(Anil S. Kilor, J.)