



20-wp-13

2023:BHC-AS:33027

SA Pathan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1322 OF 2022

The Bhiwandi Nizampur City Municipal
Corporation Bhiwandi
Through Commissioner

... Petitioner

V/s.

Shabbir Ahmed Abdul Razzaque Kazi &
Anr

... Respondents

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PATHAN
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Mr. Manoj J. Bhatt, for petitioner.

Mr. Sandesh D. Patil i/by Mr. Chintan Y. Shah, for
respondent Nos.1 & 2.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 1, 2023

P.C.:

1. The writ petition arises out of declaring notice dated 14 January 2021 issued by respondent/Corporation and granting injunction against Corporation from disturbing possession of plaintiff over the suit property.
2. According to the Municipal Corporation, the suit property is required for road widening purpose.
3. Learned Advocate for the respondent, on instructions, made statement that the respondent is ready to hand over possession of the suit property provided compensation as per the provisions of Land Acquisition Act, is paid to the defendant.



4. The petitioner is, therefore, directed to take decision regarding payment of compensation and, if the issue is referred to the State Government under Section 78 of the Mumbai Municipal Corporation Act, 1888.
5. The State Government shall decide the amount of compensation within period of four weeks from the date of reference is made by the Commissioner.
6. To enable the parties to arrive at the amount of compensation, stand over to **11 December 2023**.

(AMIT BORKAR, J.)