



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11547 OF 2019

Harish Dattatraya Nipunge  
(Nipalunge) & Ors ...Petitioners

*Versus*

Ramdas Baburao Ande & Ors ...Respondents

WITH  
INTERIM APPLICATION NO. 9857 OF 2022  
IN  
WRIT PETITION NO. 11547 OF 2019

Indumati Bhikaji Nipunge  
alias Sindhubai Vasantao Pawar  
Decd thr. LHRS & Anr ...Applicants

*In the matter between*

Harish Dattatraya Nipunge  
(Nipalunge) & Ors ...Petitioners

*Versus*

Ramdas Baburao Ande & Ors ...Respondents

WITH  
INTERIM APPLICATION NO. 2649 OF 2023  
IN  
WRIT PETITION NO. 173 OF 2015  
WITH  
INTERIM APPLICATION NO. 9871 OF 2022  
WITH  
WRIT PETITION NO. 7397 OF 2019  
WITH  
WRIT PETITION NO. 8288 OF 2015  
WITH  
WRIT PETITION NO. 11106 OF 2014

WITH  
INTERIM APPLICATION 2649 OF 2023  
IN  
WRIT PETITION NO. 173 OF 2015  
WITH  
INTERIM APPLICATION NO. 2652 OF 2023  
IN  
WRIT PETITION NO. 173 OF 2015

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**Mr Anilkumar Patil**, *with Ms Zeel Jain & Mr DA Patil, for the Petitioner in WP/11547/2019, WP/7393/2019 & 8288/2015.*

**Mr Ajinkya Jaibhave**, *for the Petitioner in WP/173/2015 & WP/11106/2014.*

**Ms Chaitrali Deshmukh**, *for the Respondent No. 1 in All matters.*

**Ms SD Vyas, Addl GP, Mr A R Deolekar, AGP**, *for the Respondent-State.*

**Ms Shweta Para, i/b, Mr VA Gangal**, *for the Respondent No. 13 in WP/173/2015.*

**Mr Rishabh Tiwari, i/b, Mr Sagar Kasar**, *for Respondent No. 1 in WP/8288/2015, Respondent No. 6 in WP/11106/2014 & Respondent No. 12 in WP/173/2015.*

**Mr Prakash Mahadik**, *for the Respondent in WP/11547/2019 & Applicant in IA/2649/2023.*

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

**DATED:** 17 January 2025

**PC:-**

1. In all these Petitions, the Possession of the Petitioners' properties was taken over by the Nashik Municipal Corporation (NMC) in 2001 without following any lawful procedures. The Petitioners have accepted that some token compensation was paid to them when taking possession, and

the Petitioners were assured that the acquisition proceedings would follow.

2. The Petitioners complain that to date, no acquisition proceedings have taken place. Though some compensation was deposited in Special Civil Suit No. 91 of 2009, the proper compensation in accordance with law, i.e., the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, has not yet been paid to the Petitioners.

3. Accordingly, we direct the NMC to file a clear affidavit in these matters by 5 February 2025 at the latest. If, for any reason, no such affidavit is filed, then the Municipal Commissioner must depute a responsible officer along with all case papers and instructions to appear in this Court on 7 February 2025.

4. The Municipal Commissioner is also requested to appear virtually on 7 February 2025. The affidavit must state with clarity steps taken, if any, for the acquisition of the Petitioners' property, the approximate valuation of the lands of which possession is taken, the payments made or deposited towards the Petitioners' land and the timelines within which the acquisition would be completed. If the corporation wishes to negotiate with the Petitioners on the compensation, then even that may be indicated in the affidavit along with the corporation's initial proposal.

5. Ms Deshmukh states that an affidavit has already been filed. However, upon perusing the affidavit, we find that it only refers to a proposal for acquisition made in 2009. There

are no details about follow-up or other details that we now require in these matters.

6. We clarify that we would not be inclined to consider a request for adjournment on behalf of the NMC because we cannot ignore the fact that the Petitioners' properties have been taken over, at least prima facie, without following the due process of law way back in the year 2001. Therefore, this is not a matter which should brew a delay at the behest of the Nashik Municipal Corporation.

7. The Petitioners should also file their affidavits indicating compliance with our order dated 20 April 2022. This means that the Petitioners should, on the affidavit, place on record a copy of their application filed before the Civil Court seeking withdrawal of amounts, the trial Court's order permitting such withdrawal, and whether the Petitioners have already withdrawn such amounts.

8. The Municipal Commissioner should also immediately apply to the trial Court in Special Civil Suit No. 91 of 2009 to obtain a copy of the Petitioners' application. If such an application is filed, the trial Court should immediately issue the necessary certified copies to the Commissioner.

9. The above direction does not relieve the Petitioners from filling affidavits and placing all these details on record.

10. List these matters on 7 February 2025.

**(Jitendra Jain, J)**

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