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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
 CIVIL APPELATE JURISDICTION  
 PUBLIC INTEREST LITIGATION NO.176 OF 2012

Rajesh Madhukar Pandit & Ors. ...Petitioners  
 vs.  
 Nashik Municipal Corporation  
 and others ...Respondents

Mr.Pravartak Pathak for the Petitioners  
 Mr.M.L.Patil for the respondent Nos.1 and 2  
 Mr.R.B.Raghuvanshi a/w Rutuja Ambekar for respondent  
 No.3  
 Mr.Ravindra A. Lokhande and Mr.D.A.Nalawade for  
 respondent No.4  
 Mr.A.B.Vagyani, Addl.G.P. For respondent No.5  
 Mr.P.P.Chavan and Ms Shyamali Gadre i/b M/s.Little &  
 Co. for respondent No.6

CORAM : A.S.OKA, &  
 M.S.SONAK, JJ.  
 DATE : MAY 6, 2014

P.C.:

1 On 7<sup>th</sup> March 2014, Rule was issued and exhaustive interim directions were issued by this Court. A committee was constituted under the said order under the Chairmanship of the Divisional Commissioner, Nashik to oversee the implementation of the directions issued by this Court.

2 The first compliance report has been accordingly submitted by the Divisional Commissioner, Nashik. After having perused the said report, we agree with the submission made by the learned counsel for the petitioners that the

Divisional Commissioner, Nashik and the members of the Committee have done a very elaborate and exhaustive exercise before submitting the report which deserves to be appreciated. We grant time to the Municipal Corporation and other parties to deal with the said report.

3 However, our attention is invited to clause (D) of the said report. The report records that survey and measurements of the land which is notified for acquisition at Village Pimpalgaon Khamb for setting up STP is not yet carried out and, therefore, a declaration under section 6 of the Land Acquisition Act, 1894 has not been issued. It is noted by the Divisional Commissioner, Nashik that there is an opposition from the land owners for carrying out measurements and survey of the land.

4 Even if the measurement and survey of the land under acquisition is carried out, the rights of the alleged land owners will not be affected.

5 We direct the Commissioner of Police, Nashik to render all possible assistance to the Land Acquisition Officer as well as Officers of the Survey Department for the purpose of carrying out the measurement and survey of the land under acquisition. On a requisition being made by the Special Land Acquisition Officer, the Commissioner of Police shall issue necessary directions for providing adequate police protection so that survey and measurements can be carried out. The learned

Additional Government Pleader on instructions states that as regards the lands at Gangapur for setting up STP are concerned, a declaration under section 6 of the Land Acquisition Act, 1894 has been published on 4<sup>th</sup> April 2014.

6 For considering the report and for dealing with the various compliances, the petition shall be listed on 12<sup>th</sup> June 2014 under the caption 'Directions'.

(M.S.SONAK, J.)

(A.S.OKA, J.)

Bombay

High