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

WRIT PETITION NO.168 OF 2008

Nandkishor Nathumal Pallod : Petitioner.
Versus
The State of Maharashtra and ors. : Respondents.

Shri S M Gorwadkar for the Petitioner.
Smt. P S Cardoza, AGP for the Respondents/State

**CORAM : P B MAJMUDAR,
R M SAVANT, JJ.**

DATED : 30th June 2010.

P.C.

1 Rule, made returnable forthwith and heard by the consent of the parties.

2 By the above Petition, the Petitioner, who is the owner of the land in question, seeks certain reliefs on the basis of the repeal of Urban Land (Ceiling and Regulation), Act, 1976 which repeal has come into operation on 29th November 2007. The main question which arise for consideration is whether the possession of the land in question has been taken by the Respondents pursuant to the proceedings adopted under the Urban Land (Ceiling & Regulation) Act, 1976.

3 In so far as the said question is concerned, an Additional Affidavit in Reply has been filed on behalf of the Respondent/State by one Bhanudas Pandurang Gaikwad, Deputy Collector and Competent Authority, Pune Urban Agglomeration, Pune. In the said additional affidavit it has been in terms stated in para-1 that “the

possession of the land in dispute is with the landowner, and it is not obtained by the State Government, as the stage of obtaining possession under the ULC Act, has not arisen.”

4 In the light of the said statement, the prayer sought by the Petitioner in the above Petition has to be granted and the above Petition is required to be allowed in view of the law laid down by this Court in the matter of Voltas Ltd and ors v/s. Additional Collector and Competent Authority, reported in 2008(5) BCR 746 which judgment has been upheld by the Apex Court. The above Petition is therefore allowed in terms of prayer clauses (c) and (d).

5 Rule is accordingly made absolute to the aforesaid extent.

[R M SAVANT, J]

[P B MAJMUDAR, J]