

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 121 OF 2014

Anjana Baban Pale & Ors. .. Petitioners

Versus

The State of Maharashtra & Ors. .. Respondents

Mr. M.A. Patil, Advocate for the petitioners

Mr. P. G. Sawant, AGP for the State

Mr. K. Y. Mandlik, Advocate for R. No. 3.

CORAM:-NARESH H. PATIL &

V. L. ACHLIYA, JJ.

DATED : -20/03/2015

P.C.

Heard learned counsel for the parties.

2 The learned counsel for the petitioners submits that the petitioners are rehabilitated on the subject plot and they are paying property taxes and other taxes to the local authorities. Their possession is legal. It is submitted that they have serious apprehension that the respondents would evict them from their residential houses by demolishing their structures.

3 Respondent No. 3 has filed affidavit-in-reply through

Mr. Ramakant Dilip Dake, the Chief Officer of Sangola Municipal Council, Sangola. The deponent contends that a narrow gauge railway passes through Sangola City is converted into broad gauge with proposed development road is parallel to the railway broad gauge on western side. The width of the road is 12 meters. The private owners of the land have no objection for acquisition. The deponent further contends in para 5 that the petitioners are rank trespassers and are not displaced persons as alleged or otherwise. The deponent denied that the petitioners are staying since last twenty years. There was no entry made in the 7/12 extract column as alleged by the petitioners. The petitioners' occupation is unauthorized and illegal. The deponent further contends that the Government has allotted land and provided funds to construct the road. So far an amount of Rs.25 lacs has been sanctioned for construction of road. It is further contention of the deponent that the road under construction being necessity and in the interest of public has been sanctioned in development plan of 1991.

4 The learned counsel for the petitioners submits that the allegations made by the local body is disputed. The petitioners'

possession is legal. They are allotted this land under a scheme and they are continued to remain in possession of the said property.

5 We have perused the record placed before us. The issue as to whether the petitioners' possession is lawful or not cannot be gone into in the present proceedings. The respondents disputed the petitioners' possession on the subject property to be legal. The petitioners may resort to alternate remedy as provided in law. We do not express any opinion on the issue concerned.

6 The petition stands disposed of.

7 Status quo as on today shall be continued for a period of four weeks.

(V. L. ACHLIYA, J.)

(NARESH H. PATIL, J.)

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