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

**WRIT PETITION NO.431 OF 2011**
**WITH**
**CIVIL APPLICATION NO.2716 OF 2014**
**IN**
**WRIT PETITION NO.431 OF 2011**

Govind Abhaji Kaspate and Ors. … Petitioners/ Applicants

Vs.

State of Maharashtra and Ors. … Respondents

**WITH**
**CIVIL APPLICATION NO.773 OF 2013**
**IN**
**WRIT PETITION NO.431 OF 2011**

Murlidhar Pandharinath Mankar,
Through Constituted Attorney Holder,
Narayan M. Mankar … Applicant

Vs.

Govind Abhaji Kaspate and Ors. … Respondents

**WITH**
**WRIT PETITION NO.3008 OF 2011**

Shri. Sudam Baburao Kaspate and Ors. … Petitioners

Vs.

State of Maharashtra and Ors. … Respondents

**WITH**
**CIVIL APPLICATION NO.774 OF 2013**
**IN**
**WRIT PETITION NO.3008 OF 2011**

Murlidhar Pandharinath Mankar,
Through Constituted Attorney Holder,
Narayan M. Mankar … Applicant

Vs.

Shri. Sudam Baburao Kaspate and Ors. … Respondents

Mr. Rajshekhar V. Govilkar, for the Petitioners in WP No.431 of 2011 and for Applicants in CAW No. 2716 of 2014.
Mr. S.M. Gorwadkar, for Petitioners in WP No.3008 of 2011.
Mr. Arjun H. Patil, for Applicant in CAW No.773 of 2013 and CAW No.774 of 2013.
Mr. V.S. Gokhale, AGP, for the Respondent Nos. 1 to 4 in WP No.431 of 2014 and for Respondent Nos.1, 4 and 5 in WP No.3008 of 2011.
Mr. S.R. Ganbavale, for Respondent Nos.2 and 3 in WP No.3008 of 2011.
Mr. Deepak R. More, for Respondent No.5 in WP No.431 of 2011.
Mr. B.G. Ligade i/by Mr. Drupad S. Patil, for Respondent No.6 in WP No.3008 of 2011.

**CORAM : A.S. OKA &**
**A.K. MENON, JJ.**

**DATE : 9th FEBRUARY, 2015**

**P.C.**

. The learned counsel appearing for the Petitioners on instructions seeks permission to withdraw the Petitions with liberty to make appropriate representation to the State Government. However, they expressed an apprehension that the Petitioners will be dispossessed without following due process of law. The learned counsel representing the Pimpri Chinchwad Municipal Corporation in both the Petitions state that the Petitioners shall not be dispossessed without following due process of law. We accept the statement. It is obvious that unless the properties in possession of the Petitioners are acquired in accordance with law by taking recourse to Section 126 of the Maharashtra Regional and Town Planning Act, 1966 (for short “MRTP Act”) or to the provisions any other law relating to acquisition of properties for public

purpose, the Petitioners cannot be dispossessed.

2. We, accordingly, dispose of the Petitions by passing following order :-

**ORDER**

(i) The Petitions are disposed of as withdrawn with liberty as prayed. If representations are made by the Petitioners, the same shall be expeditiously decided by the State Government in accordance with law;

(ii) We accept the statement made by the learned counsel appearing for the Pimpri Chinchwad Municipal Corporation that the Petitioners shall not be dispossessed without following due process of law. We make it clear that unless the properties of the Petitioners are acquired by taking recourse to Section 126 of the MRTP Act of 1966 or any other law relating to acquisition of properties for public purpose, the Petitioners cannot be dispossessed;

(iii) In view of the above order, the Civil Applications do not survive;

(iv) All contentions of the parties on the representations to be made by the Petitioners are kept open.

**(A.K. MENON, J )** **(A.S.OKA, J )**