

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 1914 OF 2005

Smt. Laxmibai W/o Devidas Salve
and another

.. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri V. R. Sonwalkar, Advocate for Petitioners.

Shri A. M. Phule, A.G.P. for Respondent Nos. 1, 2, 4 and 5.

Shri M. A. Golegaonkar, Advocate h/f Shri A. S. Golegaonkar,
Advocate for the Respondent No. 3.

**CORAM : S. V. GANGAPURWALA AND
A. M. BADAR, JJ.**

DATE : 14TH JANUARY, 2016.

PER COURT :

. Mr. Sonwalkar, the learned counsel for petitioners submits that, the respondent No. 3/Municipal Council has laid down pipeline from the land of petitioners, because of which the value of the land of petitioners will be diminished. The respondent No. 3 had not taken any permission from the petitioners, nor any proceedings were adopted while laying down pipeline from the land of petitioners. According to the learned counsel even in the development plan no pipeline was proposed. According to the learned counsel the Sub Divisional Officer did not take into consideration all these aspects.

2. Mr. Golegaonkar, the learned counsel for the respondent No. 3 submits that, the pipeline is already constructed in the year 2005. The said pipeline is half meter below the land surface. There would not be impediment for petitioners to use their land. The construction of pipeline was in larger public interest i. e. making available drinking water facility to the residents of Mehtar Colony. This Court has also not granted any interim relief at the time of admission of the writ petition. The land is an agricultural land.

3. Mr. Sonwalkar, the learned counsel submits that, in future if the petitioners are required to construct the super structure over the said property, then the petitioners may face problems. In future if the petitioners wants to the construct the property, they will have to apply to the Municipal Council for the necessary permission. At that time Municipal Council can consider grievance of the petitioners. The writ petition accordingly is disposed of. Rule accordingly is disposed of.

[A. M. BADAR, J.]

[S. V. GANGAPURWALA, J.]