

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

WRIT PETITION NO. 4423 OF 2016

Mushtaq Khan Ahmad Khan and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri V. D. Sapkal, Advocate for Petitioners.

Shri A. V. Deshmukh, A.G.P. for the Respondent No. 1.

Shri Deelip N. Bankar Patil, Advocate for Respondent Nos. 2 and 3.

**CORAM : S. V. GANGAPURWALA AND
K. K. SONAWANE, JJ.**

DATE : 02ND MAY, 2016.

PER COURT :

. Heard the learned counsel for petitioners and the learned counsel for respondents. The respondent No. 2/Municipal Corporation has filed affidavit in reply. Para 3 of the said affidavit in reply reads as under :

"3. That, in the event there are no agreement between the petitioners and the Municipal Corporation, Aurangabad in respect of the concerned acquisition of lands, the petitioners shall be dispossessed, only by taking recourse, to the due process of law."

2. Considering the above, it is manifest that, the respondent No. 2/Corporation has undertaken that, if there is no agreement between the parties, it will dispossess the petitioners by following due procedure of law. The due procedure of law is considered by this Court in Writ Petition No. 2840 of 2012 with other connected writ petitions vide judgment dated 24th April, 2012.

3. In the light of the above, the apprehension of the petitioners stands redressed. The writ petition accordingly is disposed of. No costs.

[K. K. SONAWANE, J.]

[S. V. GANGAPURWALA, J.]

bsb/May 16