

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4839 OF 2016

GANESH CHINNULAL BHALSHANKAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. Abdul Aziz Hazi Fatelal
AGP for Respondents: Mr. S.P. Sonpawale.

With

WRIT PETITION NO. 4863 OF 2016

JAGDISH LAXMINARAYAN ZAWAR AND ANOTHER
VERSUS
THE CHIEF EXECUTIVE OFFICER ZP JALNA AND OTHERS

...
Advocate for Petitioners : Mr. S.P. Katneshwarkar
AGP for respondent : Mr. S.P. Sonpawale.
Advocate for respondent Nos. 3 and 4 : Mr. S.V. Natu.

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

DATE : 3rd May, 2016.

PER COURT:

1] Heard. The grievance of the petitioners in these petitions is that, petitioners are the tenants over the respective shops and doing their business activity. They are small shop owners. Said shops are taken on lease from the Gram Panchayat. Though fresh agreements are not executed lease, rent is accepted for every 3 months and for further 3 months also, said amount is accepted.

2] Learned counsel for the petitioners submits that the impugned order passed by the Chief Executive Officer is illegal and they are entitled to continue in occupation. In W.P. No. 4863 of 2016, it is the contention of the petitioners therein that, till the construction amount is to be repaid by way of rent, the petitioners could not be evicted.

3] Mr. Natu, learned counsel for the Gram Panchayat, on instructions, makes a statement that the respondent Gram Panchayat has decided to construct a complex having 130 shops and it has also resolved to first allot the shops on lease to these petitioners and then the remaining shops would be allotted to others. Said statement is accepted.

4] It is further contended by Mr. Natu that the respondents would repay the petitioners of W.P. No. 4863 of 2016, the remaining amount and if by mistake, additional rent is accepted, same shall also be repaid. It is also submitted by the learned counsel that the State High Way passes from the said area and for 20 meters, constructions cannot be made and all these shops would be affected.

5] These shops have been given on rent. Certainly, petitioners are not encroacher. However, a solemn statement is made that a shopping complex of 130 shops is being constructed by the Gram Panchayat, which would be beyond 20 meters and it would not be affected by the State High Way and the present petitioners would be given priority and preference in allotment of the said shops on lease. Considering the same, it would also be in the interest of the petitioners to vacate the present premises and seek allotment of shops in the new complex that is being constructed. Petitioners are running their present business, as such, they would need some time to vacate.

6] We grant two months time to the petitioners for vacating the said shops. Respondent Gram Panchayat shall not take any action against the

petitioners for a period of two months from the date of this order. On expiry of period of two months, petitioners shall hand over possession of these shops to the respondent Gram Panchayat. In case, petitioners fail to hand over possession of the said shops, the Gram Panchayat, would be at liberty take appropriate steps in the matter. Writ petitions are accordingly disposed of. No costs.

[K.K. SONAWANE,J.]

[S.V.GANGAPURWALA,J]

grt/-