

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
REVIEW APPLICATION STAMP NO.19371/2016
IN W.P. NO. 4839 OF 2016.

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

...

Advocate for Applicants : Mr. P.R. Katneshwarkar, Adv. h/f.
Mr. Ganesh A. Gadhe
AGP for Respondents: Mr. N.B. Patil.
Advocate for respondent Gram Panchayat : Mr. S.V. Natu.

CORAM : S.V. GANGAPURWALA
& K.K. SONAWANE, JJ.
DATE : 5th AUGUST , 2016.

PER COURT:

1] Mr. Katneshwarkar, learned counsel for petitioners submits that respondent had undertaken construction of shops on BOT basis. However, no advertisement is also issued. No contract is awarded. The respondent would take possession from the petitioner and would not carry out the construction. Petitioners would be nowhere. Livelihood of the petitioners is dependent upon the business carried out in the writ shops.

2] According to learned counsel, this Court had directed the petitioners to hand over possession of the shops/property after expiry of two months from the date of the order. According to learned counsel, the Gram Panchayat even does not have funds to carry out the construction. The Gram Panchayat does not have approval for the designs and plans necessary for construction. Learned counsel submits that some of the similarly situated persons had approached the Apex Court and the Apex Court had directed them to vacate the shops within a period of six months.

3] Mr. Natu, learned counsel submits that subsequently, the Gram Panchayat resolved to carry out the construction. Permission is also granted by the Zilla Parishad to that effect. Plans and designs are prepared. Unless, the petitioners hand over possession, it is not possible to carry out the new construction. It is also stated that the petitioners would be given preference. Because of the attitude of the petitioners, the construction work cannot be started. Out of 49 shop owners, 9 have already delivered possession, out of those 9 persons , 4 are the petitioners.

4] In fact, the order passed in the writ petition, was based on the submissions made by the learned counsel for the respective parties. Considering the contentions raised by the parties and the interest of the parties, the order is passed on 3rd May, 2016, in W.P. No. 4839 of 2016 and 4863 of 2016, wherein period of two months was granted. Said period of 2 months has lapsed on 2nd July, 2016. Mr. Natu, Advocate on instructions, states that the Gram Panchayat would grant time to the petitioners till 31st August, 2016. From the date of filing of the petition, the petitioners would be getting more than four month's time to vacate.

5] Considering the above, time to vacate the shops granted to the petitioners is extended till 31st August, 2016. Review application stands disposed of. No costs.

[K.K. SONAWANE]
JUDGE

[S.V. GANGAPURWALA]
JUDGE.

grt/-