

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3323 OF 2015
WITH
CIVIL APPLICATION NO. 7025 OF 2016

Shamshodin S/o. Anwarudin and others .. **Petitioners**

Versus

The State of Maharashtra and others .. **Respondents**

Shri Prashant D. Suryawanshi, Advocate for Petitioners.
Miss S. S. Raut, A. G. P. for Respondent Nos. 1 and 3.
Shri S. S. Thombre, Advocate for Respondent No. 2.

WITH
WRIT PETITION NO. 1566 OF 2015

Venkat S/o. Dhondiram Lad .. **Petitioner**

Versus

The State of Maharashtra and others .. **Respondents**

Shri Prashant D. Suryawanshi, Advocate for the Petitioner.
Miss S. S. Raut, A. G. P. for Respondent Nos. 1 and 3.
Shri S. S. Thombre, Advocate for Respondent No. 2.

WITH
WRIT PETITION NO. 1567 OF 2015

Sayyad Zainulabedin S/o. Hafizoddin .. **Petitioner**

Versus

The State of Maharashtra and others .. **Respondents**

Shri Prashant D. Suryawanshi, Advocate for the Petitioner.
Miss S. S. Raut, A. G. P. for Respondent Nos. 1 and 3.
Shri S. S. Thombre, Advocate for Respondent No. 2.

WITH
WRIT PETITION NO. 2224 OF 2016

Dr. Surekha W/o. Dilip Deshmukh .. **Petitioner**

Versus

The State of Maharashtra and others .. **Respondents**

Shri Amol N. Kakade, Advocate for the Petitioner.
Miss S. S. Raut, A. G. P. for Respondent Nos. 1 and 3.
Shri S. S. Thombre, Advocate for Respondent No. 2.

WITH
WRIT PETITION NO. 8188 OF 2016

Karimoddin Papa S/o. Bashiroddin
and others .. **Petitioners**

Versus

The State of Maharashtra and others .. **Respondents**

Shri Amol N. Kakade, Advocate for Petitioners.
Miss S. S. Raut, A. G. P. for Respondent Nos. 1 and 3.

CORAM : S. V. GANGAPURWALA AND
K. K. SONAWANE, JJ.
DATE : 3RD AUGUST, 2016.

PER COURT :-

1. We have heard Mr. Suryawanshi and Mr. Kakade, the learned counsel for respective parties, so also, Mr. Thombre the learned counsel appearing for the Municipal Council, Beed, so also, the learned A. G. P. The grievance of the Petitioners is that the

Respondent - Municipal Council has issued proclamation and the notice directing to remove the construction to be affected in the widening of Balbhim chowk to Bindusara River road in the development plan. According to the learned counsel for the Petitioners, without taking up acquisition proceedings the same could not have been done. Mr. Thombre, the learned counsel for the Municipal Council submits that, public work is undertaken and except the Petitioners all other Persons have removed the construction which was being affected by the road widening. Because of the present petition being filed the work of road could not commence further. The learned counsel submits that, the Municipal Council has filed an undertaking to this court stating that, if, the Petitioners co-operate and remove the area affected by the road widening and remove the construction or allow the Respondent to remove the construction then, within 4 months the compensation amount as per the valuation of the property would be paid to the Petitioners.

2. The learned counsel for the respective Petitioners submits that, the valuation of the construction is already communicated by the P. W. D. to the Municipal Council, the Respondent should pay the amount of compensation as per the said valuation and on payment of the same within 7 days they would remove the construction and the said compensation would be without prejudice to the further rights of the Petitioners to claim enhanced compensation.

3. We have considered the submissions and the undertakings filed by the respective parties. The undertakings filed are taken on record. It appears that majority of the persons have removed the construction which was not affected in the road widening. The Petitioners are also ready to co-operate. The Municipal Council

has also assured to pay compensation amount as per the valuation. As such considering the public work involved and assurance given by the respective parties we pass the following order -

ORDER

A] The Petitioners would remove their construction to be affected in road widening after conducting joint measurement immediately within seven (7) days of the joint measurement being conducted.

B] After the construction is removed by the Petitioners the Respondent Municipal Council shall from the date of removal of the construction of the affected area shall pay to the Petitioners compensation as per the valuation within three (3) months.

C] The said payment would be without prejudice to the rights of the respective parties to claim enhanced amount of compensation as is permissible in law. The Respondent shall take up acquisition proceedings immediately.

D] The parties shall co-operate with each other for public work.

4. The Writ Petitions are disposed of with aforesaid observations and directions. No costs.

5. The Civil Application also stands disposed of.

[K. K. SONAWANE, J.]
sam/July.16

[S. V. GANGAPURWALA, J.]