

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

931 WRIT PETITION NO. 9290 OF 2016
WITH WP/9291/2016 WITH WP/9292/2016

THE CHIEF OFFICER MUNICIPAL COUNCIL TULJAPUR
AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Shri. K.K. Kulkarni, Advocate, for petitioners.

Shri. V.D. Salunke, Advocate, holding for Shri. Ganesh V.
Patil, Advocate, for respondent No.4.

CORAM: T.V. NALAWADE, J.

DATE : 2nd SEPTEMBER 2016

ORDER:

1) All the three petitions are filed to challenge the orders made by the Hon'ble Minister of State for Urban Development in Revision Petition Nos.593/VIP/2016, 594/VIP/2016 and 595/VIP/2016. Heard both the sides.

2) It appears that the respondents were given the shop premises on lease by the local body in the year 1992-93. The lease period expired in the year 1997. Civil suits were filed in the year 1997 which came to be dismissed in

the year 2007. The respondents-shop keepers filed first appeals in the District Court. The first appeals were allowed and the District Court held that the procedure laid down needs to be followed like giving of the notices and only after that possession can be taken by the local body. However right of the shop keepers to continue the possession was not upheld by the District Court. After this decision, the procedure was followed by the local body like giving of the notice and then possession of the shops was taken on 2-6-2016.

3) In the revision filed before the State Government the shop keepers admitted that possession was taken by the local body on 2-6-2016. In spite of that one prayer was made to the effect that their possession should be protected. Further, other relief was claimed that the local body should be prevented from putting the shops to auction and giving them to other persons. The stay order is made by the Hon'ble Minister of State in the following words :

"Temporary stay till hearing".

4) Learned counsel for the petitioners submitted that it is festive season and it is not certain as to how much time will be required for the Minister to dispose of the revisions and due to this circumstance, the local body is suffering and it will not be getting any income from the shops. In view of these circumstances to serve the purpose of the petitioner direction needs to be given to the State Government to see that the revisions are disposed of finally within 30 days. The parties are to appear before the Hon'ble Minister on 16th September 2016 and the period of 30 days will start from 16th September 2016. In those terms the petitions are disposed of. The Assistant Government Pleader to communicate the order to the Hon'ble Minister. Authenticated copy is allowed to all the parties.

Sd/-
(T.V. NALAWADE, J.)

rs1