

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

WRIT PETITION NO. 12516 OF 2015

Nandlal S/o Gajjulal Jaiswal
and brothers Through
Paryelal Gajjulal Jaiswal

...PETITIONER

versus

The State of Maharashtra
Through the Secretary and others

...RESPONDENTS

.....

Mr. D.P. Palodkar, Advocate for petitioner
Ms. S.S. Raut, AGP for respondent No. 1
Mr. A.M. Karad, Advocate for respondents No. 2 and 3

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

DATED : 11th AUGUST, 2016.

Order :-

1. Issue notice to respondents.
2. Ms. Raut, learned Assistant Government Pleader waives service of notice for respondent No. 1 and Mr. Karad, learned counsel waives service of notice for respondents No. 2 and 3.
3. Mr. Palodkar, learned counsel for petitioner submits that the respondents - authorities have demolished the various properties without resorting to any process of law. The respondents authorities may also demolish the property of petitioner at any time. Respondents authorities have not initiated any acquisition proceeding as yet.
4. Mr. Karad, learned counsel for respondents No. 2 and 3 submits that respondents -authorities abide by law and they can take steps in

accordance with law and writ petition is filed only on the basis of apprehension.

5. It appears that the petition has been filed on imminent apprehension as other properties affected in road widening were demolished. Even writ petitions were filed in other matters before this Court and the same are disposed of by this Court directing the respondent - Municipal Corporation, Aurangabad to abide by due process of law. We also adopt same course and pass the following order:

(I) We direct that, in the event there is no agreement between the petitioners and the Municipal Corporation, the petitioners shall be dispossessed only by taking recourse to the due process of law as indicated in this judgment.

(ii) We must make it very clear that we have not made any adjudication as regards the title claimed by the petitioners in the petition.

6. With aforesaid directions, writ petition stands disposed of. No costs.

Sd/-

[K. K. SONAWANE, J.]

Sd/-

[S. V. GANGAPURWALA, J.]