

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

Writ Petition No. 9962 of 2015

District : Aurangabad

Dr. Hedgewar Sahakari Housing
Society Limited,
Through its Chairman,
Janardhan Pundlikrao Deshtwar,
Age : 60 years,
Occupation : Nil,
R/o. J-28/9, N-2,
Srisant Dnyaneshwar Colony,
CIDCO, Mukundwadi, Aurangabad.

.. Petitioners.

versus

1. The State of Maharashtra,
Through Its Secretary,
Urban Development Department,
Mantralaya, Mumbai - 32.
2. The Director of Town Planning,
Maharashtra State,
Pune.
3. The Deputy Director of Town Planning,
Nashik Division, Nashik.
4. Aurangabad Municipal Corporation,
Aurangabad,
Through its Commissioner.
5. City and Industrial Development
Corporation,
Aurangabad,
Through its Chief Officer.

.. Respondents.

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Mr. Abhishek C. Deshpande, Advocate, for the petitioner.

Mr. V.H. Dighe, Asst. Government Pleader, for respondent nos.1 to 3.

Mr. A.M. Karad, Advocate, for respondent no.4.

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**CORAM : S.V. GANGAPURWALA &
A.M. BADAR, JJ.**

DATE : 1ST FEBRUARY 2016

PER COURT :

1. Mr. Deshpande, the learned Counsel for the petitioner, submits that the petitioner is Housing Society. The respondents have done marking and without adhering to the procedure laid down under the Land Acquisition Act 1894, they are trying to take possession.
2. The learned Counsel for respondent no.4 - Corporation submits that the houses constructed are without permission and unauthorized. As such, the respondent - Corporation can demolish the same. As far as possession of land is concerned, the same would be taken if required, after following due procedure of law.
3. In view of the said statement made in the affidavit, more particularly para 4 of the affidavit in reply, the Writ Petition is disposed of. No costs.

**(A.M. BADAR)
JUDGE**

**(S.V. GANGAPURWALA)
JUDGE**

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