

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.9450 OF 2013**Ramesh Baburao Kamble and another Vs. The Arbitrator of Town Planning Scheme No.1, Shrirampur and others.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.S.D.Kulkarni, advocate for the petitioner.

Mr.S.M.Ganachari, A.G.P. for the State.

Mr.V.S.Bedre, advocate for Respondent No.5.

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

Date : 14.07.2016.

PER COURT :

1. Heard.

2. It is submitted that the appeal filed by the petitioner before the District Judge, against the draft award to the extent of plot allotted to petitioner under the draft award is dismissed. Aggrieved thereby, the present petition.

3. Mr.Kulkarni, learned counsel submits that though various objections were raised, even written arguments were submitted, still, the same is not considered. The appellant had no grievance in respect of allotting any portion to Mr.Gandhi or any other person provided the area of petitioner is maintained or compensation is

paid. The said aspect is not at all discussed by the Court below.

4. It is submitted that even the appeal filed by Mr.Gandhi, is pending before the District Judge. In view of the aforesaid conspectus and that various aspects are not considered by the District Judge while passing the impugned order, we set aside the order and relegate the petitioner before the District Judge.

5. In the result, we pass the following order :

- a) The impugned order is quashed and set aside.
- b) The parties are relegated before the District Judge. The District Judge shall decide the Town Planning Scheme Appeal No.118/2013 afresh. The petitioner may put forth his contentions before the District Judge. Considering the fact that the matter is remitted back, the District Judge shall endeavour to dispose of the said appeal expeditiously. The petitioner shall appear before the concerned District Judge on 1.8.2016.
- c) The Writ Petition is accordingly disposed of. No costs.

(K . K . SONAWANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.14.07.2016.

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