

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8663 OF 2012**

Kolhapur Municipal Corporation

..Petitioner.

Vs

Balasaheb Dattatraya Kamble
and Ors

.. Respondents

Mr.S.S.Patwardhan, Advocate for Petitioner.
Mr.Amit Borkar, Advocate for Respondent no.2.

**CORAM : R.G.KETKAR,J.
DATE : 22/12/2016**

PC:

1. Heard Mr.S.S.Patwardhan, learned counsel for the petitioner and Mr.Amit Borkar, learned counsel for respondent no.2 at length. Leave to carry out amendment in the affidavit is granted. Amendment shall be carried out forthwith.

2. Rule. Mr. Borkar waives service for respondent no.2. At the request and by consent of the parties, Rule is made returnable forthwith and petition is taken up for final hearing.

3. By order dated 22.11.2016, two weeks time was granted to the defendants to make positive statement as regards rehabilitation of plaintiff no.2 in some other place. It was made clear that if the defendants do not make any categorical statement on the next date of hearing, the Court will be constrained to summon Municipal Commissioner of the defendant so as to ensure compliance of statements made before the Court on various occasions.

4. In pursuance thereof, Mr. Patwardhan has tendered affidavit of Pramod Sudhir Barale, Estate Officer of the defendant-Corporation which is taken on record and marked "X" for identification. In paragraph 2 of the affidavit, it is averred that the respondent no.2 will be allotted place for setting up his cabin in the area known as R.T.O area in Tarabai Park area in the city of Kolhapur. Actual piece of land will be demarcated and given to respondent no.2 within a period of one month from the date on which respondent no.2 enters into an agreement with the defendant-corporation as required by law. It is further averred that allotment of piece of land to the second respondent for setting up his cabin is in terms of the usual form of agreement as per law.

5. Mr.Borkar , upon taking instructions, states that respondent no.2 is agreeable for the site proposed in the affidavit of Mr Pramod Barale. Mr.Patwardhan assures that the entire exercise will be done as expeditiously as possible and in any case within six weeks from today.

6. In view thereof, impugned order dated 14.3.2011 is modified and substituted in terms of paragraph 2 of the affidavit of Mr. Pramod Barale.

7. Rule is made absolute in the above terms with no order as to costs.

(R.G.KETKAR, J.)