

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

WRIT PETITION NO. 2051 OF 2015

PARDIP DEVIDASRAO PAILWAN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. G.R.Thigale-Naik,
advocate h/f Mr. Pahilwan Gautam J
AGP for Respondents 1 to 3 : Mr. P.S.Patil
Advocate for Respondent no.4 : Mr. K.K.Kulkanri

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CORAM : S.V.GANGAPURWALA & K.L.WADANE, JJ.

DATED : 16th FEBRUARY, 2017

O R D E R :

Mr. Thigale, learned counsel for the petitioners submits that the petitioners are legitimately occupying their premises. The respondents are intending to widen the road and there is eminent apprehension that the petitioners would be dispossessed without adhering to the provisions of law.

2. Mr. Kulkarni, learned counsel submits that the Municipal Council has not taken any steps against the provisions of the Act. Learned

counsel submits that the width of the road is kept 12 meters and procedure for draft plan is completely different and the same is being followed.

3. The basic grievance of the petitioner is that the petitioner should not be dispossessed by the respondents from their respective part of the property without following mandate of law. It is trite that the local authority cannot dispossess a person legitimately occupying his property without adhering to the due process of law.

4 The petitioners shall not be evicted/dispossessed without adhering to the due process of law by the respondents.

5. With the above directions, Writ Petition stands disposed of.

(K.L.WADANE, J.)

(S.V.GANGAPURWALA, J.)