

(1)

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

WRIT PETITION NO.1982 OF 2010

1. Shri Kalyan Bharatrao Patil,
Age: 35 years, Occu: Agril.,
and Press Reporter,
R/o Datta Colony and Treasurer
of dattadham Ashram Mandir,
Datta Colony, Kannad,
District Aurangabad
2. Shri Pundalik s/o Fakirrao Aaher,
Age: 65 years, Occu: Agril.,
R/o. Shrirammandir, Pishor Road,
Kannad, and Secretary of
Shrirammandir Trust, Kannad,
District Aurangabad
3. Shri Kisan s/o Parbat Chavan,
Age: 72 years, Occu: Retd. Govt. Servant,
R/o. Shantinagar, & President of
Navchaitanya Hanuman Dharmik Va
Sanskrutik Trust, Kannad,
District Aurangabad
4. Shri Uttamgir s/o Hiragir Giri,
Age: 67 years, Occu: Agril.,
R/o Gajanan colony and
Administrator of Ganpati Mandir
Gajanan Colony, Kannad
5. Gulabrao Bhagwantrao Pawar,
Age: 67 years, Occu: Agril.,
R/o. Navjeevan Colony,
Hiwarkheda Road, Kannad,
District Aurangabad
6. Shri Rajesh Dhanraj Bhartiya,
Age: 35 years, Occu: Business,
R/o Sinchan Colony, Kannad,
District Aurangabad
7. Arun s/o Rajaram Badkhe,
Age: 30 years, Occu: Agril.,
R/o Saraswati Colony,
Kannad, Dist. Aurangabad

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8. Shri Sunil Ramrao Shivade,
Age: 35 years, Occu: Social work,
R/o. Bholeshwar Colony, Kannad,
District Aurangabad
9. Nathu s/o Keshav Shinde,
Age: 66 years, Occu: Agril.,
R/o. Shivnagar, Kannad,
District Aurangabad
10. Dayaram s/o Hasanrao Patil,
Age: 67 years, Occu: Pensioner,
R/o. Bholeshwar Colony, Kannad,
Dist. Aurangabad

..PETITIONERS

VERSUS

1. The State of Maharashtra,
Through Revenue & Forest Department,
Mantralaya, Mumbai – 400 032
2. The Secretary,
Rural Development Department,
Mantralaya, Mumbai-32
3. The Secretary,
Home Department,
Mantralaya, Mumbai-32
4. The Divisional Commissioner,
Aurangabad Division,
Aurangabad
5. The District Collector,
Aurangabad
6. Tahsildar, Kannad,
Tq. Kannad, Dist. Aurangabad
7. Chief Officer,
Municipal Council, Kannad,
Tq. Kannad, Dist. Aurangabad

..RESPONDENTS

Mr S. S. Thombre, Advocate for petitioners;
Mrs M. A. Deshpande, A.G.P. for respondent Nos.1 to 6;
Mr S. S. Shete, Advocate for respondent No.7

WITH
WRIT PETITION NO.2108 OF 2010

(3)

1. Sanjay s/o Rangrao Dhanwal,
Age: 36 years, Occu: Agril.
and social work, R/o Undangaon,
Tq. Sillod, Dist. Aurangabad
2. Kanayyiah s/o Dagdu Basaiyye,
Age: 60 years Occu: Agril.,
R/o Undangaon, Tq. Sillod,
Dist. Aurangabad

..PETITIONERS

VERSUS

1. The State of Maharashtra,
Through the Secretary,
Urban Development Department,
Mantralaya, Mumbai – 32
2. The Collector, Aurangabad,
Aurangabad
3. The Tahsildar, Sillod,
Tq. Sillod, Dist. Aurangabad
4. The Sarpanch,
Grampanchayat, Undangaon,
Tq. Sillod, Dist. Aurangabad
5. The Executive Engineer,
Zilla Parishad, Aurangabad
6. The President,
Maharashtra State Wakf Board,
Panchakki, Near Aurangabad
Medical College & Hospital,
(Ghati), Aurangabad
7. The President,
Jama Masjid, Undangaon,
Tq. Sillod, Dist. Aurangabad
8. Sau. Tarabai Shantilal Bassaiyye,
Age: Major, Occu: Household and
Member of Zilla Parishad,
Aurangabad, R/o Village Undangaon,
Tq. Sillod, Dist. Aurangabad

..RESPONDENTS

Mr S. D. Joshi, Advocate for petitioners;
Mrs M. A. Deshpande, A.G.P. for respondent Nos.1 to 3;
Mr R. G. Joshi, Advocate for respondent No.4;
Mr Mustafa Gulam Ali, Advocate for respondent No.6

(4)

WITH
WRIT PETITION NO.9974 OF 2017

Shaikh Rashid s/o Shaikh Karim,
Age: 75 years, Occu: Business and
Mutawalli of Chilla and Dargah Hazrat
Allauddin Sahib, N-5, Sahyadrinagar,
CIDCO, Aurangabad, R/o beside Dargah
Chilla and Dargah Hazrat Allauddin Sahib,
N-5, Sahyadrinagar, CIDCO,
Aurangabad

..PETITIONER

VERSUS

1. State of Maharashtra,
Through its Secretary,
Revenue and Forest Department,
Mantralaya, Mumbai
2. Aurangabad Municipal Corporation,
Through its Commissioner, Aurangabad
Municipal Corporation, Town Hall,
Aurangabad
3. Maharashtra State Board of Waqfs,
Through its Chief Executive Officer,
Having its head office at Panchakki,
Aurangabad

..RESPONDENTS

Mr Shaikh Kayyum Najir, Advocate for petitioner;
Mrs M. A. Deshpande, A.G.P. for respondent No.1;
Mr S. S. Tope, Advocate for respondent No.2

WITH
WRIT PETITION NO.8668 OF 2012

1. Santoshpuri s/o Sompuri Gosavi,
Age: 45 years, Occu: Service,
R/o. N-11-A-108-04, HUDCO,
Aurangabad
2. Shantaram s/o Jijaba Watpade,
Age: 72 years, Occu: Nil,
R/o. N-11-A-103-01, HUDCO,
Aurangabad
3. Jagdish s/o Digambarrao Kulkarni,
Age: 53 years, Occu: Service,
R/o. N-11-A-109-01, HUDCO,
Aurangabad

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4. Sakharam s/o Taterao Ghuge,
Age: 42 years, Occu: Service,
R/o. as above

5. Smt. Vidya w/o Devidas Sarode,
Age: 65 years, Occu: Household,
R/o. N-11-A-102-04, HUDCO,
Aurangabad

..PETITIONERS

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Urban Development Department,
Govt. of Maharashtra, Mantralaya,
Mumbai-32

2. The Municipal Corporation, Aurangabad
Through its Commissioner

3. Administrator, CIDCO,
Aurangabad

4. Commissioner of Police,
Aurangabad

5. Sudarshan Nagar Saibaba Vikas
Pratishthan, Through its President
Ramesh s/o Gambhirrao Jadhav,
Age: 56 years, Occu: Nil,
R/o. N-11-A-99-04, HUDCO,
Aurangabad

..RESPONDENTS

Mr S. V. Jaigude, Advocate for petitioners;
Mrs M. A. Deshpande, A.G.P. for respondent Nos.1 & 4;
Mr S. S. Tope, Advocate for respondent No.2;
Mr A. S. Bajaj, Advocate for respondent No.3;
Mr M. B. Vaishnav, Advocate for respondent No.5

WITH

PUBLIC INTEREST LITIGATION NO.14 OF 2012

Sameer s/o Subhash Rajurkar,
Age: 35 years, Occu: Agriculture,
Business and social work,
R/o. Plot No.13, Shriram Colony,
Samarth Nagar, Aurangabad,
Taluka and District Aurangabad

..PETITIONER

(6)

VERSUS

1. The State of Maharashtra,
Through the Principal Secretary,
Department of Urban Development,
M. S. Mantralaya, Mumbai-32
 2. The Principal Secretary,
Department of Home,
M. S. Mantralaya, Mumbai-32
 3. The Commissioner,
Aurangabad Municipal Corporation,
Aurangabad
 4. The Commissioner of Police,
Aurangabad
 5. The District Collector,
Aurangabad
 6. The Assistant Director of Town Planning,
Aurangabad Municipal Corporation,
Aurangabad
 7. The Administrative Officer,
Aurangabad Municipal Corporation,
Aurangabad
 8. The Maharashtra State Electricity Distribution
Co. Ltd., Through its Chief Engineer,
Jubili Park, Aurangabad (MSEDCL)
 9. G.T.L., Flat No.4, above Y-3 Ford Showroom,
Cannaught Garden, CIDCO,
Aurangabad
- ..RESPONDENTS

Mr Rajendra S. Deshmukh, Advocate for petitioner;
Mrs M. A. Deshpande, A.G.P. for respondent Nos.1, 2, 4 & 5;
Mr S. S. Tope, Advocate for respondent No.3, 6 & 7;
Mr S. M. Godsay, Advocate for respondent No.8

WITH

PUBLIC INTEREST LITIGATION NO.20 OF 2012

Kabir Buddhapriya Arjun,
Age: 42 years, Occu: social work,
R/o. Raje Sambhaji Colony,
Jadhav Wadi, Aurangabad,
Dist. Aurangabad

..PETITIONER

VERSUS

1. The State of Maharashtra,
Through the Department of Home
and Urban Development,
Mantralaya, Mumbai 400 032
2. The Principal Secretary,
Department of Home Affairs,
Mantralaya, Mumbai
3. The Principal Secretary,
Department of Urban Development,
Mantralaya, Mumbai
4. The Divisional Commissioner,
Aurangabad Region,
Aurangabad
5. The Collector,
Aurangabad
6. The Police Commissioner,
Aurangabad
7. Aurangabad Municipal Corporation,
Aurangabad,
Through its Municipal Commissioner
9. The Commissioner,
Aurangabad Municipal Corporation,
Aurangabad

..RESPONDENTS

Mr Pradeep Deshmukh, Advocate for petitioner;
Mrs M. A. Deshpande, A.G.P. for respondent Nos.1 to 6;
Mr S. S. Tope, Advocate for respondent Nos.7 & 8

WITH

WRIT PETITION NO.10035 OF 2017

Jai hanuman Sevabhavi Visvsth Mandal,
Aurangabad
Through its President
Nilkanth Nivrutti Musane,
Age: 51 years, Occu: Agril.,
R/o. Plot No.33, Galli No.1,
New Hanuman Nagar, Aurangabad

..PETITIONER

(8)

VERSUS

1. The Maharashtra State,
Through Chief Secretary,
Mantralaya, Mumbai
2. The State of Maharashtra,
Through the Secretary, Home Department,
Mantralaya, Mumbai 400 032
3. The Division Commissioner,
Aurangabad
4. The Police Commissioner,
Aurangabad
5. The Superintendent of Police,
Aurangabad
6. The Collector,
Aurangabad
7. The Municipal Commissioner,
Municipal Corporation, Aurangabad ..RESPONDENTS

Mr Sandeep B. Rajebhosale, Advocate for petitioner;
Mrs M. A. Deshpande, A.G.P. for respondent Nos.1 to 6;
Mr S. S. Tope, Advocate for respondent No.7

WITH

PUBLIC INTEREST LITIGATION NO.72 OF 2017

Renukadas @ Raju S/o Dattopant
Vaidya,
Age 48 years, Occ. Corporator
R/o Zambad Estate, Chetna Nagar,
Aurangabad
District Aurangabad ..PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Principal Secretary,
Urban Development Department,
Mantralaya, Mumbai – 32
2. The Municipal Corporation,
Aurangabad, through its
Commissioner

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3. The Commissioner of Police,
Aurangabad (City), Aurangabad ..RESPONDENTS

Mr S.S. Thombre, Advocate for petitioner;
Mrs M.A. Deshpande, A.G.P. for respondents no.1 & 3
Mr S.S. Tope, Advocate for respondent no.2

WITH
WRIT PETITION NO.10041 OF 2017

Usman Khan Habib Khan,
Age 38 years, Occ. Care Taker of
Dargah Syed Sadat situated at
Government Arts and Science College,
Near Mardana Hall, Aurangabad,
Tal. & District Aurangabad ..PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Principal Secretary,
Urban Development Department,
Mantralaya, Mumbai
2. The Municipal Commissioner,
Municipal Corporation,
Aurangabad,
Tal.& District Aurangabad
3. The Commissioner of Police,
Aurangabad (City),
Tal. & District Aurangabad ..RESPONDENTS

Mr S.B. Solanke, Advocate for petitioner;
Mrs M.A. Deshpande, A.G.P. for respondents no.1 & 3
Mr S.S. Tope, Advocate for respondent no.2

WITH
WRIT PETITION NO.10333 OF 2017

Mohammad Hisham Osmani
s/o Mohammad Yusuf Osmani,
Age : 39 years, Occ. Agriculture,
R/o House No.1-9-50, Jaisingpura,
Aurangabad ..PETITIONER

VERSUS

(10)

1. The State of Maharashtra,
Through Secretary,
Urban Development Department,
Mantralaya, Mumbai – 32
2. The Collector,
Aurangabad
3. The Aurangabad Municipal
Corporation,
Through Municipal Commissioner,
Aurangabad ..RESPONDENTS

Mr S.S. Kazi, Advocate for petitioner;
Mrs M.A. Deshpande, A.G.P. for respondents no.1 & 2;
Mr S.S. Tope, Advocate for respondent no.3

WITH
WRIT PETITION NO.10036 OF 2017

Shri. Vyankatraman Govind Shri
Balaji Sansthan, Tilak Nagar,
Aurangabad through its Chairman,
Prakash s/o Dattatraya Kulkarni,
Age : 67 years, Occ. Pensioner,
R/o Tilak Nagar, Aurangabad,
Tal. & District Aurangabad ..PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Principal Secretary,
Urban Development Department,
Mantralaya, Mumbai – 32
2. The Municipal Corporation,
Aurangabad, through its
Commissioner
3. The Commissioner of Police,
Aurangabad (City), Aurangabad ..RESPONDENTS

Mr S.S. Thombre, Advocate for petitioner;
Mrs M.A. Deshpande, A.G.P. for respondents no.1 & 3;
Mr S.S. Tope, Advocate for respondent no.2

WITH
WRIT PETITION NO.9927 OF 2017

(11)

Maharashtra State Board of Wakfs,
Through its Chief Executive Officer,
O/a Panchakki, Aurangabad

..PETITIONER

VERSUS

1. Aurangabad Municipal
Corporation,
Through its Commissioner,
Aurangabad
2. The State of Maharashtra,
Through its Secretary,
Urban Development Department,
Mantralaya, Mumbai

..RESPONDENTS

Mr V.J. Dixit, Senior Advocate, instructed by S.V. Dixit, Advocate for
petitioner;
Mr S.S. Tope, Advocate for respondent no.1;
Mrs M.A. Deshpande, A.G.P. for respondent no.2

WITH
REVIEW PETITION NO. 89 OF 2014
IN
PUBLIC INTEREST LITIGATION NO. 14 OF 2012

Maharashtra State Board of Wakf,
through its Chief Executive Officer,
At Panchakki, Aurangabad

..PETITIONER

VERSUS

1. Samir s/o Subhash Rajurkar,
Age: 37 years, Occu: Agri. & Business and
Social Work,
R/o. Plot No.13, Shriram Colony,
Samarth Nagar, Aurangabad,
Tq. and Dist. Aurangabad
2. The State of Maharashtra,
Through the Principal Secretary,
Department of Urban Development,
M.S. Mantralaya, Mumbai-32
3. The Principal Secretary,
Department of Home,
M.S. Mantralaya, Mumbai-32

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4. The Commissioner,
Aurangabad Municipal Corporation,
Aurangabad
5. The Commissioner of Police,
Aurangabad
6. The District Collector,
Aurangabad
7. The Assistant Director Director of Town Planning,
Aurangabad Municipal Corporation,
Aurangabad

..RESPONDENTS

Mr Pathan Yunus Basheer, Advocate for petitioner;
Mr Rajendra S. Deshmukh, Advocate fore respondent No.1;
Mrs M.A. Deshpande, A.G.P. for respondent no.2, 3, 5 & 6;
Mr S.S. Tope, Advocate for respondent no.4, 7 & 8

**CORAM : SHANTANU S. KEMKAR &
NITIN W. SAMBRE, JJ.**

DATE : 23rd August, 2017

P.C.

In terms of the order passed by this Court from time to time and more particularly the orders dated 8th August, 2017 and 18th August, 2017, the Commissioner, Municipal Corporation, Aurangabad has filed additional affidavit-in-reply. In the additional affidavit, the detailed calender for operation and implementation of the orders passed by this Court from time to time as also of the Government Resolution dated 5th May, 2011 has been given as per Exh.RA-1.

2. We have gone through the said Exh.RA-1. The Counsel appearing for the respective writ petitioners have also gone through the said Exh.RA-1.

3. Learned Counsel for the parties submit that in view of the steps which have been taken by the Corporation for removal of unauthorized and illegal structures and the calendar prepared for it, these petitions may be disposed of with liberty to the petitioners to avail the remedy as may be available to them as per the Government Resolution and in accordance with law, in case any decision is taken by the committee adverse to their interest.

4. Learned A.G.P. appearing for the State and learned Counsel appearing for the Corporation have also agreed to the disposal of these writ petitions in terms of the additional affidavit and the calendar which has been submitted by the Corporation.

5. Accordingly we direct the Committee to proceed with the said calendar Exh.RA-1 and to act in accordance with the Government Resolutions dated 5th May, 2011 and 18th November, 2015.

6. With the aforesaid directions, these petitions are disposed of.

7. In view thereof, pending Civil Applications do not survive and stand disposed of.

(NITIN W. SAMBRE, J.)

(SHANTANU S. KEMKAR, J.)

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