IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7352 OF 2012

Ashok Narsingrao Salunke,
Age 60 years, Occupation Retired,
R/o Tuljapur Tq. Tuljapur
District Osmanabad. ...Petitioner

Versus

1) The State of Maharashtra,
Through the Secretary
Urban Development Department
Mantralaya, Mumbai.

2) The Tuljapur Development Authority (A
body constituted as per Tuljapur
Development Authority Act, 2008)
Through the Member Secretary
District Planning Officer
Osmanabad Tq. Dist. Osmanabad.

3) Shri. Tuljabhavani Temple Trust
Tuljapur Through its President i.e.
Collector, Osmanabad.

4) The Sub Divisional Officer
Osmanabad Tq. and Dist.
Osmanabad. ...Respondents

Mr. S. V. Natu, Advocate for petitioner.
Mr. S. B. Yawalkar, AGP for respondent No.1 and 4/ State
Mr. S. T. Shelke, Advocate for respondent No.3.

CORAM : R. M. BORDE &
SMT. VIBHA KANKANWADI. JJ.
DATE : 13-12-2017

PER COURT :

1. The petitioner is praying for issuance of order for quashment of award dated 27-03-2012 declared by the Collector, Osmanabad in connection with the property CTS No.1968 admeasuring 39 square meter or in the alternative is seeking directions to respondents No.2 and 3 to allow one shop in the shopping complex of Shri Tuljabhavani Mandir Trust, Tuljapur on lease for 99 years. It is the contention of the petitioner that, shop premises belonging to him has been acquired by the respondent/ State for development of Tuljabhavani Temple, Tuljapur in observance of the procedure prescribed under Tuljapur Development Authority Act, 2008. The award has been declared by offering meager compensation amount to the petitioner.

2. It would be open for the petitioner to challenge the award declared by the State and claim enhanced amount. Apart form this, if the petitioner is desirous of acquiring a shop premises on lease basis and seeks any concession in that regard, it would be open for the petitioner to tender an application/ representation to the Collector. It

is contention of the petitioner that, in case of similarly situate shop holder by name Balasaheb Vishwanath Shinde, request made by him has been forwarded by Collector.

3. In the circumstances, it would be open for the petitioner to tender a request to the Collector. If the petitioner tenders appropriate application/ representation to the respondents No.2 and 3 within a period of four months from today, the respondents No.2 and 3 may take appropriate decision in accordance with and norms prescribed by the Trust expeditiously.

4. With directions as above, the writ petition is disposed of.

[SMT. VIBHA KANKANWADI]
JUDGE

[R. M. BORDE]
JUDGE

vjg/-.