

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 2654 OF 2017

Abhijeet s/o Shriniwas Pawar
Age 31 years, Occ. Service
R/o R 27/74, N-9, Cidco
Aurangabad

Petitioner

Versus

1. The State of Maharashtra
Through the Secretary,
Revenue and Forest Department
Mantralaya, Mumbai 32.
 2. The Collector,
Collector Office,
Aurangabad.
 3. The Executive Engineer,
P.W.D., Aurangabad.
 4. Aurangabad Municipal Corporation
Through The Commissioner, Aurangabad.
- Respondents

Mr. N.J. Pahune Patil, advocate for petitioner.
Mr. S.B. Yawalkar, A.G.P. for respondents 1 to 3.
Mr. V.P. Latange, advocate for respondent no.4 .

CORAM : R.M.BORDE AND
SMT. VIBHA KANKANWADI, JJ.
DATE : 07th September, 2017.

ORAL JUDGMENT : (Per R.M. Borde, J.)

1 Heard. Rule. Rule made returnable forthwith and
heard finally by consent of learned Counsel for respective parties.

2 The petitioner has expressed an apprehension that his property would be taken in possession for the purposes of widening of the road without initiating acquisition proceedings and without payment of compensation.

3 The apprehension expressed by the petitioner appears to be groundless. Respondent-authorities are not expected to dispossess the petitioner if he is entitled to occupy the property in question, without observing the procedure prescribed under law. This Court, while directing issuance of notice before admission to respondents, has issued interim direction not to dispossess the petitioner if he is legitimately occupying the property under dispute, without following due process of law.

4 This petition, as such, can be allowed in terms of the interim order dated 28.02.2017; and is accordingly allowed to such extent.

5 Rule is accordingly made absolute to the extent, as specified above. There shall be no order as to costs.

SMT. VIBHA KANKANWADI
JUDGE

R.M.BORDE
JUDGE

adb/wp265417