

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12237 OF 2016

Deepak Tarachand Bothara

.. **Petitioner**

Versus

The State of Maharashtra and others .. **Respondents**

Mr. P. D. Suryawanshi, Advocate for the Petitioner.

Mr. K. N. Lokhande, A.G.P. for Respondent Nos. 1 to 3.

Mr. G. K. Thigale (Naik), Advocate for Respondent NO. 4.

CORAM: S. V. GANGAPURWALA &
R. G. AVACHAT, JJ.

DATE: 19th October, 2018

PER COURT :

1. Mr. Suryawanshi, learned Advocate for the petitioner submits that the possession of the petitioner's land situated at Survey No. 183/1, Taraf-Balgujar, Beed, Taluka and District – Beed was taken in possession in the year – 2002. No compensation is paid to the petitioner. No award has been passed. The petitioner had also resorted to Section 330 (3) of the Maharashtra Municipal

Councils, Nagar Panchayats and Industrial Townships Act, 1965 (hereinafter referred to 'Act 1965') by giving notice on 22.03.2016, received by the Municipal Council on the same day, but no further cognizance has been taken.

2. Mr. Thigle, learned Advocate for the respondent – Municipal Council submits that the petitioner has already availed remedy under Section 330 (3) of the Act 1965, and as such the petition is not maintainable.

3. The approach of the Municipal Council shows total apathy towards the matter on hand. The notice is issued to the Municipal Council under Section 330 (3) of the Act 1965 on 22.03.2016. For two and half years no steps are taken by the Municipal Council. Now the Municipal Council raises an objection that the petitioner has resorted to remedy under Section 330 (3) of the Act 1965. Such an approach of the Municipal Council is deplorable and cannot be appreciated.

4. The Municipal Council shall take decision on the notice received by it on 22.03.2016 under the Act 1965 (*Page No. 23*), within a period of one month from today and depending upon the decision further recourse be taken immediately.

5. In case the decision of the Municipal Council is adverse to the interest of the petitioner, the petitioner has got remedy open.

6. Writ Petition is disposed of. No costs.

[R. G. AVACHAT, J.] [S. V. GANGAPURWALA, J.]

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