

(1)

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

WRIT PETITION NO.3757 OF 2019

1. Abhijeet Shridhar Mhaske,
Age: 34 years, Occ: Business,
2. Sau. Savitribai w/o Shridhar Mhaske,
Age: 53 years, Occ: Household,
3. Shridhar s/o Suryabhan Mhaske,
Age: 63 years, Occ: Business,

All R/o. Satara Parisar, Beed
by pass road, Near Mhaske Petrol
Pump, Aurangabad,
Dist. Aurangabad

..PETITIONERS

VERSUS

1. The State of Maharashtra
Through principal Secretary
Urban Development Department
Mantralaya, Mumbai-32
2. The Municipal Corporation
Aurangabad, Dist. Aurangabad
Through its Commissioner
3. The Designated Officer,
Encroachment Division,
Municipal Corporation,
Aurangabad
4. The District Collector,
Aurangabad, Dist. Aurangabad
5. The Executive Engineer,
Word Bank Project,
Sub Division No.3,
Aurangabad

(2)

6. The Executive Engineer
Public Works Department
Aurangabad

7. Town Planning Authority
Municipal Corporation,
Aurangabad

..RESPONDENTS

Mr Narendra D. Sonavane, Advocate for petitioners;
Mrs A.V. Gondhalekar, A.G.P. for respondent/State;
Mr A.P. Bhandari, Advocate for respondent Nos. 2 &
3

CORAM : PRASANNA B. VARALE
AND
NITIN W. SAMBRE, JJ.

DATE : 18th MARCH, 2019

ORAL ORDER :

Heard learned Counsel for the petitioners.

2. The Corporation, pursuant to the provisions of 478 of the Maharashtra Municipal Corporation Act, has already demolished structure which was affected in the widening of national high way.

3. Further submissions of learned Counsel for the petitioners are that the land owned by the petitioners if is required for extension of

(3)

national high way, Corporation be directed to follow rule of law.

3. Mr. Bhandari, learned Counsel for the respondent - Municipal Corporation, on instructions, from Assistant Director of Town Planning, Aurangabad, who is personally present in the Court, submits that possession of the land owned by the petitioners which will be required for aligning national high way and service road will not be taken without following due process of law.

4. Since the statement is made on instructions, same is accepted as an undertaking.

5. The petition stands disposed of.

(NITIN W. SAMBRE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

Tupe