

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 3628 OF 2019

Shaikh Mobin Noor Mohammad

Petitioner

Versus

The State of Maharashtra
& others

Respondents

Mr. M.R. Sonawane, advocate for petitioner.
Mrs. M.A. Deshpande, AGP for respondent no. 1.
Mr. A.P. Bhandari, advocate for respondents no. 2 and 3.

WITH
WRIT PETITION NO. 3633 OF 2019

Khajuddin Sharifoddin Mulla
& another

Petitioner

Versus

The State of Maharashtra
& others

Respondents

Mr. M.R Sonawane, advocate for petitioner.
Mrs. V.S. Chaudhary, AGP for respondent no.1.
Mr. A.P. Bhandari, advocate for respondents no. 2 and 3.

WITH
WRIT PETITION NO. 3687 OF 2019

Hasham Kha Rahim Kha

Petitioner

Versus

The State of Maharashtra
& others

Respondents

Mr. M.R Sonawane, advocate for petitioner.
Mrs. V.S. Chaudhary, AGP for respondent no.1.
Mr. A.P. Bhandari, advocate for respondents no. 2 and 3.

WITH
WRIT PETITION NO. 3688 OF 2019

Abdul Wasim Abdul Azia

Petitioner

Versus

The State of Maharashtra
& others

Respondents

Mr. M.R Sonawane, advocate for petitioner.

Mrs. M.A. Deshpande, AGP for respondent no.1.

Mr. A.P. Bhandari, advocate for respondents no. 2 and 3.

CORAM : PRASANNA B. VARALE AND

NITIN W. SAMBRE, JJ.

DATE : 18th March, 2019.

P.C. :

All these four petitions come under the category where the development either temporary or permanent, carried out by the petitioners, are without approval/sanction from the competent planning authority.

2. Learned counsel for respondents has invited our attention to communication dated 16.03.2019 issued by the respondent-Corporation, intimating the petitioners that having noticed that the construction is illegal, the request for regularisation is rejected and the structure will be subjected to demolition.

3. We hardly find any infirmity with the decision of the Corporation.

4. So far as submission of petitioners as regards acquisition of

the land by the respondent-Corporation for the purpose of development / extension to the existing National Highway is concerned, the learned counsel for respondent-Corporation, on instructions from the Assistant Director, Town Planning, Municipal Corporation, Aurangabad, who is present in the Court and authorised to make submissions on behalf of the Municipal Corporation, submits that the construction activity on the property of the petitioners will not be carried out without following due process of law, particularly, keeping in mind the observations made by Division Bench of this Court in Writ Petition No. 2840/2012 with connected matters decided on 24.04.2012. Said submission is accepted as undertaking. Needless to clarify that the action of respondent-Corporation needs to be in accordance with the provisions of Section 478 of the Maharashtra Municipal Corporations Act.

5. In the aforesaid backdrop, aforesaid four petitions stand dismissed.

NITIN W. SAMBRE
JUDGE

PRASANNA B. VARALE
JUDGE

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