

05 I say that possession of lands on which construction is/was standing is not taken by the answering respondent. For taking over possession, in case such contingency arises, Municipal Corporation Aurangabad will take appropriate action in accordance with the provisions of Maharashtra Regional and Town Planning Act, 1966, Development Control and Promotion Regulations (DCPR), as applicable to

the area and the provisions of Maharashtra Municipal Corporation Act.

3 Shri Bhandari, learned Counsel appearing for the Respondent-Corporation submits that the affidavit of the Commissioner deals with issue of special drive by the Corporation to demolish alleged illegal structures. According to him, aforesaid paragraph can be read in all the petitions wherein the Corporation has recourse to provisions of the Maharashtra Regional and Town Planning Act, 1966, in case possession of private property is required for expansion of the road.

4 Though the affidavit, referred to above, is filed in Writ Petition No.3637 of 2019, Shri Bhandari, learned Counsel appearing for the Respondent-Commissioner, Aurangabad Municipal Corporation, submits that the said affidavit can be read in all the petitions involving similar nature of claim like the one in the present petition. According to him, said statement can also be considered as an undertaking to this Court.

5 Since the statement is made on instructions, the statement made in the affidavit, particularly in the paragraph reproduced hereinabove, as such, is accepted.

6 In view thereof, present writ petition can be disposed of and is accordingly disposed of.

NITIN W. SAMBRE
JUDGE

adb

PRASANNA B. VARALE
JUDGE