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

WRIT PETITION NO.3765 OF 2019

Piyush s/o Pralhad Panhale,
Director of M/s Piyush Enterprises,
Presently known as
M/s Piyush Infratech Pvt Ltd
Aurangabad
Age: 32 years, Occ: Business
R/o. Plot No. 81, Jayvishwabharati
Colony, Garkheda Parisar,
Aurangabad

..PETITIONER

VERSUS

1. The State of Maharashtra
Through Department of Urban
Development, Mantralaya,
Mumbai-32
2. The Municipal Corporation,
Aurangabad Through its
Commissioner -
Municipal Corporation,
Aurangabad
3. The In Charge Officer
encroachment Department, Municipal
Corporation, Aurangabad
4. The Assistant Director
of Town Planning, Aurangabad
Municipal Corporation,
Aurangabad

..RESPONDENTS

Mr U.L. Momle, Advocate for petitioner;
Ms Rashmi P. Gour, A.G.P. for respondent/State;
Mr A.P. Bhandari, Advocate for respondent Nos.2 & 3

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**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 petitioner are that the land owned by the petitioner if is required for extension of 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

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the Court, submits that possession of the land owned by the petitioner 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

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