

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

**CIVIL APPLICATION NO. 13549 OF 2019
IN
PUBLIC INTEREST LITIGATION NO.101 OF 2017**

Khaja Aminoddin Shaikh Maheboob & Anr. APPLICANTS

VERSUS

Ab-ul Hasan Khurram Ali Hashim & Ors. RESPONDENTS

Mr D.P. Palodkar, Advocate for the applicants;
Ms Sabhahat Kazi, Advocate for respondent No.1;
Mr S.S. Dande, A.G.P. for respondent Nos.2,3 & 4;
Mr V.G. Deshmukh, Advocate h/f Mr S.S. Tope, Advocate for
respondent No. 5 & 6;

**CORAM : PRASANNA B. VARALE &
ANIL S. KILOR, JJ.**

DATED : 19th NOVEMBER, 2019

ORAL ORDER:

Heard Mr Palodkar, learned Counsel for applicants, Ms Kazi, learned Counsel for petitioners in P.I.L. and respective Counsel for the respondents.

2. By way of present application, the applicants

pray for permission to intervene in the Public Interest Litigation.

3. It is submitted by Mr Palodkar, learned Counsel for the applicants that the applicants are supporting the cause of the petitioner in P.I.L. namely; directions for developments of the 45 meters wide development plan roads and particularly in the area "Harsool Water Filtration Plant-Jatwada-T.B.Hospital-Aurangabad City Club".

4. Mr Palodkar, learned Counsel further submitted that this development work would only ease out traffic congestion and would help in smooth traffic. He then submitted that though it is stated in the application that the properties of the applicants are affected in the construction of the said development road and the applicants are ready to accept the compensation in the form of TDR/FSI in lieu of monetary compensation. The applicants are not pressing those contentions and they be permitted to intervene in the matter only to support

further cause to raise in the P.I.L.

5. By accepting this statement of Mr Palodkar, learned Counsel as an undertaking to this Court, considering the other submissions namely; the applicants are willing to support and further cause of the petitioner in view of the availability of congestion free and smooth traffic by developing the D.P. plan road, application is allowed in terms of prayer clause (B). Application is disposed of accordingly.

[ANIL S. KILOR, J.]

[PRASANNA B. VARALE, J.]