

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO. 34 OF 2017

Sau. Neetadevi W/o Kulbhushan Tandon,  
Age 75 years, Occu. Household,  
R/o Plot No. 59 and 60, CIDCO,  
N-2, Aurangabad,  
Tal. And District Aurangabad

.. Petitioner

Versus

1] The State of Maharashtra,  
Through its Principal Secretary,  
Urban Development Department,  
Mantralaya, Mumbai

2] The Municipal Corporation,  
Aurangabad through its  
Municipal Commissioner

.. Respondents

...  
Ms. R.R. Tandale, Advocate h/f. Mr. S.S. Thombre, Advocate for  
petitioner  
Mr. G.O. Wattamwar, AGP for respondent – State  
Respondent no. 2 served – absent  
...

CORAM : SUNIL P. DESHMUKH &  
S.M. GAVHANE, JJ.  
DATE : 15-07-2019

ORAL JUDGMENT (PER - SUNIL P. DESHMUKH, J.) :

1. Rule. Rule made returnable forthwith.
2. Heard learned counsel for appearing parties finally.

3. The petitioner is before this court, stating that respondent no. 2 – municipal corporation had undertaken a drive to demolish the structures for road widening and on 13-12-2016, officials of municipal corporation had been to the property of petitioner bearing city survey no. 10186 situated in the area of Raja Bazar, opposite Sansthan Ganpati, Aurangabad. There is no dispute that petitioner is tax payer for said city survey number.

4. After hearing learned counsel for respondent no. 2, it transpires that no notice had been issued to petitioner and it is being submitted that the petition is moved under an apprehension and in the circumstances, there is no threat of demolition or taking over possession of aforesaid property of petitioner.

5. Learned counsel for petitioner, during submissions has referred to order dated 17-01-2019 passed by a division of this court in writ petition no. 12676 of 2018, which according to her, has been passed in similar circumstances as are subsisting in present matter. Perusal of said order dated 17-01-2019 would show that an offer to petitioner therein had been made for T.D.R. in lieu of compensation and that proposal was also submitted to land acquisition officer for acquisition.

6. In the circumstances, it may be pertinent to refer to that if acquisition of property is proposed, the corporation can

acquire property by agreement and if the parties are not mutually agreeable for acquisition by private negotiation, then the corporation and the State may resort to statutory acquisition proceedings.

7. Writ petition accordingly is disposed of.
8. Rule is made absolute in aforesaid terms.

[S.M. GAVHANE]  
JUDGE

[SUNIL P. DESHMUKH]  
JUDGE

arp/