

## IN THE HIGH COURT OF JUDICATURE AT BOMBAY

## CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9842 OF 2019

Vikash Yashwant Patil and Ors. ...Petitioners

V/s.

Islampur Nagarpalika, Islampur  
Through its Chief Executive  
Officer and Ors.

....Respondents

\*\*\*\*

Mr. Surjeet P. Chavan, a/w. Ms. Prachi Tatake  
Advocate for the petitioner.

Ms. K.N. Solunke, AGP for respondents no.2 and 3.

**CORAM : B.P. DHARMADHIKARI, &  
SANDEEP K. SHINDE, JJ.****Wednesday, 9<sup>th</sup> October, 2019.****P.C. :**

1. Petition has been filed sometime in April, 2019 with grievance that respondent no.1-Municipal Council may dispossess petitioners and use portion of their residential plots for road widening.

2. We have heard respective Counsel for the petitioner and respondents no.2 and 3. Nobody appears for respondent no.1.

3. Petitioners have earlier made an application seeking information under the Right to Information Act and they are informed that no measurement was undertaken by Municipal Council and portion to be acquired/used was not demarcated.

4. Petitioners have placed on record a draft development plan which shows their plots and road to be widened.

5. During arguments, learned Counsel states that in August, 2019 demarcation by yellow lines has been made.

6. Our attention is also drawn to orders of this Court dated 29<sup>th</sup> November, 2018 in Writ Petition No. 11683 of 2018. That Writ Petition was against the very same Municipal Council and prayer was not to demolish structures without following due process of law.

7. Municipal Counsel through its Advocate made a statement that procedure as per law would be followed. In view of that statement, as grievance stood redressed, said petition was disposed off.

8. We do not see any steps taken by the Municipal Council in violation of said order dated 29<sup>th</sup> November, 2018 in present matter. Mere putting a mark on property does not mean that petitioners are dispossessed or their properties are demolished.

9. However, as respondent no.1 Municipal Council has chosen not to appear, we grant petitioners leave to point out their grievance with this order to respondent no.1-Municipal Council within two weeks.

10. With this liberty, we dispose off the petition.

(SANDEEP K. SHINDE, J.)

(B.P. DHARMADHIKARI, J.)