

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

**CIVIL APPLICATION NO. 3388 OF 2022
IN WP/6653/2021**

**BALASAHEB SAMPAT ZAGADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Advocate for Applicant : Mrs. Dube Anjali (Bajpai)
AGP for Respondent Nos. 1 to 4 : Mr. P.G. Borade
Advocate for Respondent Nos. 5 to 9 : Mr. S.S. Khoche
h/f. Mr. D.P. Palodkar

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 11.03.2022

PER COURT :

1. Heard the learned counsel for the petitioner for some time.
2. This Court by an order dated 19.06.2021, has already admitted the petition and had stayed the impugned order dated 09.03.2021, passed by the Hon'ble Minister (Revenue), M.S. Mantralaya, Mumbai.
3. This Court *inter alia* listed the petition for final hearing in the week which was to be commenced from 17.08.2021.
4. By this application which came to be filed on 22.02.2022, the applicant has prayed for allowing him to raise a temporary construction by putting up a tin shed in place of his old dilapidated house (Wadge)

on the land admeasuring 11 Guntha from survey No. 152/1/A, situated at Lonar Takli, Tq. Shrigonda, District Ahmednagar.

5. The learned counsel has invited my attention to the photographs annexed at Exhibit 'A', *prima facie*, indicating the precarious condition of the structure, over which, even the petitioner, who is a senior citizen aged about 50 years old, does not have a proper roof over his head in view of the impending monsoon in the month of June. Food, shelter and clothing are the basic human needs from which nobody shall be deprived of.

6. In that view of the matter and taking into consideration the condition of the hut, the applicant is permitted only to raise a temporary structure which would be sufficient enough to have roof in order to protect from the rains or other natural calamities. It is made clear that the applicant shall not make any *pucca* construction. The permission is granted only to raise a temporary structure without prejudice to the rights and contentions of the parties.

7. The application stands allowed in the aforesaid terms and stands disposed of.

[PRITHVIRAJ K. CHAVAN, J.]