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

914 WRIT PETITION NO.7038 OF 2022

MOHD. FARHAT ABBASA MOHD. KAYYUM SAUDAGAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
SECRETARY AND OTHERS

....

Mr J. M. Murkute, Advocate for petitioner;
Mr S. G. Sangle, A.G.P. for respondent No.1
Mr S. S. Tope, Advocate for respondent Nos.2 and 3

**CORAM : RAVINDRA V. GHUGE
AND
ARUN R. PEDNEKER, JJ.**

DATE : 3rd August, 2022

PER COURT:

1. The learned Advocate representing the Municipal Corporation, who had appeared on request of the Court, submits on instructions, that the property with reference to which, the petitioner has put forth a prayer of issuance of TDR Certificate, is actually situated in a *Nullah* and is not a legitimate property, owned and possessed by the petitioner.

2. The learned Advocate for the petitioner submits that, the petitioner has purchased the said property from the predecessor in title, on the basis of a registered sale deed.

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3. We find from the documents placed before us, from page Nos.33 to 50, that they pertain to laying of a Non D.P. road with a width of 9 mtrs. in Mohalla Jaswantpura, Aurangabad, having City Survey No.11603/1/7. The said proceedings were with regard to the claim of the petitioner for seeking TDR. The Roznama/file notings indicate, that the said proceedings were in progress till 27/10/2020, and thereafter, the said proceedings have not progressed.

4. The learned Advocate for the petitioner prays that, the Municipal Corporation may proceed with the said proceedings and take some decision, which will give the petitioner an idea as to the stand taken by the Corporation.

5. In view of the above, this petition is disposed off.

6. The Municipal Corporation shall proceed with the case filed by the petitioner with regard to the Non D.P. road in Mohalla Jaswantpura and come to a conclusion on the said issue. Let such decision be conveyed to the petitioner within three weeks after the same is arrived at.

(ARUN R. PEDNEKER, J.)

sjk

(RAVINDRA V. GHUGE, J.)