

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6636 OF 2019

Harishchandra Ganpat Yadav	...	Petitioner
Versus		
The State of Maharashtra and anr.	...	Respondents

WITH

WRIT PETITION NO.6655 OF 2019

Rajesh Shankar Salokhe	...	Petitioner
Versus		
The State of Maharashtra and anr.	...	Respondents

WITH

WRIT PETITION NO.6681 OF 2019

Girija Shankar Gupta	...	Petitioner
Versus		
The State of Maharashtra and anr.	...	Respondents

WITH

WRIT PETITION NO.6737 OF 2019

Arvind Babulal Jain and anr.	...	Petitioners
Versus		
The State of Maharashtra and anr.	...	Respondents

WITH

WRIT PETITION (ST.) NO.13948 OF 2019

M/s Pratibha Developers	...	Petitioner
Versus		
The State of Maharashtra and anr.	...	Respondents

WITH

WRIT PETITION (ST.) NO.13998 OF 2019

Mukesh Tukaram Surve and ors.	...	Petitioners
Versus		
The State of Maharashtra and anr.	...	Respondents

**WITH
WRIT PETITION (ST.) NO.14218 OF 2019**

Radhabai Govind Pingle	...	Petitioner
Versus		
The State of Maharashtra and anr.	...	Respondents

**AND
WRIT PETITION NO.14219 OF 2019**

Jijabai Anant Kadu	...	Petitioner
Versus		
The State of Maharashtra and anr.	...	Respondents

Mr.Suresh M. Kamble, Advocate for the Petitioners.

Mrs. R. M. Shinde, AGP for Respondent No.1-State.

Mr.Harshad Bhadbhade a/w. Ms. Arya Sapre, Advocate for Respondent No.2.

**CORAM: S.V. GANGAPURWALA &
VINAY JOSHI, JJ.**

DATED : APRIL 12, 2022

P.C.

1. Heard the learned Counsel for the petitioners and learned Advocate for the Municipal Council.

2. The apprehension of the petitioners is that the lands of the petitioners affected in the service road are being taken in possession without adhering to the provisions of law.

3. The learned Advocate for the Municipal Council submits that the respondent would follow the procedure

provided under the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (hereinafter referred to as “**MMC Act**”). The petitioners may take up steps as permissible under the MMC Act. The petitioners may raise objections referable to Section 174 of the MMC Act. The objection of the petitioners would be considered and the valuation under Section 330 of the MMC Act would be fixed as per the procedure prescribed under Section 330 of the MMC Act. The petitioners have an opportunity to take necessary steps.

4. As the statement has been made by the Municipal Council that the proper procedure under the MMC Act would be followed, no further adjudication is necessary in these matters. The parties shall take appropriate steps.

5. Writ petitions stand disposed of. No costs.

(VINAY JOSHI, J.)

(S.V. GANGAPURWALA, J.)

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