



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

4 WRIT PETITION NO. 10245 OF 2025

ASHU FARMS LLP THROUGH ITS AUTHORIZED
REPRESENTATIVE D. S. DESHPANDE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND

5 WRIT PETITION NO. 10246 OF 2025

M.S. NATH BIO GENES I LTD., THROUGH
ITS AUTHORIZED REPRESENTATIVE D. S. DESHPANDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for petitioners in both WPs : Mr. Mukul Kulkarni
h/f. Mr. Devdatt P. Palodkar
AGPs for the respondent – State : Mr. S.P. Sonpawale and Ms. S.S. Joshi
Advocate for respondent – Municipal Corporation : Mr. S.S. Tope

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**CORAM : MANISH PITALE &
Y.G. KHOBRADE, JJ.**

DATE : 14 AUGUST 2025

PER COURT :

The petitioners in these petitions have rushed to this Court and the hearing is taken on the production board, in the light of the grave urgency projected on behalf of the petitioners.

2. The petitioners contend that in the light of markings being made on their properties, they apprehend that the contesting

respondent – Municipal Corporation, would proceed to demolish parts of their structures.

3. Learned counsel for the petitioners relies upon the commencement certificates and occupancy certificates issued by the respondent – Municipal Corporation, to contend that so long as their structures are in consonance with such certificates, the respondent – Municipal Corporation, cannot take any coercive steps in the matter.

4. Since the papers were served, learned counsel appearing for the respondent – Municipal Corporation has appeared. He submits that insofar as writ petition no. 10245 of 2025 is concerned, the commencement certificate dated 31.05.1988, specifically stipulated that in terms of the proposed State highway having width of 60 Meters, the petitioners would have to keep that much portion of their land vacant and no building or construction permission would be granted to such portion.

5. He submitted that even though such stipulation is not found in the commencement certificate issued in favour of the petitioner in writ petition no. 10246 of 2025, since the said structures are also abutting the very same State highway, in the light of the width of the highway being shown in the development plan of the year 1991

as well as recent draft development plan of 2025, the petitioners cannot have any grievance.

6. It is submitted that so long as the structures of the petitioners are in consonance with the commencement and occupancy certificates issued in their favour, they need not have any apprehension in the matter, but it is asserted that in respect of the portion of the structures that violate such certificates, and encroach upon the 60 Meters width of the State highway, no indulgence can be shown to the petitioners.

7. Learned counsel appearing for the respondent – Municipal Corporation, on instructions, makes a categorical statement that, if the properties / structures of the petitioners have been constructed as per the commencement and occupancy certificates and some portions thereof are required for executing the project of road widening, the Municipal Corporation shall proceed strictly in accordance with law and that the mandate of the law, including the position clarified by this Court and the Supreme Court in various judgments, shall be followed in letter and spirit.

8. We are of the opinion that the aforesaid statement made on behalf of the respondent – Municipal Corporation, sufficiently

addresses the grievances raised on behalf of the petitioners and by recording the said statement, we dispose of the writ petitions.

9. Pending applications, if any, also stand disposed of.

[Y.G. KHOBRAGADE]
JUDGE

[MANISH PITALE]
JUDGE

arp/