

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Writ Petition No.5856 of 2007

(Anandilal s/o. Hajarimal Bhutada and anr. vs. The Shegaon Municipal Council, Shegaon and Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr.F.T.Mirza, amicus curiae.
Mrs.Bharti Dangre, G.P. with Mr.D.P.Thakare, A.G.P. for
respondent nos. 2 to 5.
Mr.A.R.Patil, Adv. for respondent no.6.
Mr.N.P.Lambat, Adv. for respondent no.9.

CORAM : B. R. GAVAI AND
P. N. DESHMUKH, JJ.

DATE : 12.2.2016.

Heard.

In pursuance of the order dt.14.1.2016, an affidavit has been filed on behalf of the State Government dt.4.2.2016.

It is stated in the affidavit that the Planning Department of the State Government had issued a Government Resolution dt.18.1.2016 and had sanctioned a total amount of Rs.117 Crores, which includes Rs.92 Crores towards escalation costs for already sanctioned work and Rs.25 Crores towards new work. In that view of the matter, the directions issued by this Court vide order dt.14.1.2016 stand complied with by the State Government.

Insofar as the directions to the learned Wakf Tribunal, Aurangabad are concerned, it is informed

that the matter has been heard and fixed today for passing orders.

The learned amicus curiae has pointed out two more issues. The first one is regarding the Government not passing orders u/s.37 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as “the MRTP Act”) thereby notifying minor modification in respect of part of land in Survey Nos. 750, 751 and 740/3 for the purpose of providing Tourist Facilitation Centre as well as parking area.

Municipal Council, Shegaon vide dt.31.1.2012 has passed a Resolution No.77 in respect of the aforesaid land for minor modification of the Development Plan. It has been resolved that the reservation for the said land for housing of houseless persons, should be converted for providing Tourist Facilitation Services and parking area.

It is informed that though a procedural aspect including inviting of objections etc. is complete, the State Government has not yet issued orders under Section 37 of the MRTP Act. We, therefore, direct the State Government to pass appropriate orders u/s.37 of the MRTP Act for minor modification of the Development Plan thereby converting the reservation from housing for houseless persons to provision of facilities for tourists and parking. Same shall be done within a period of eight weeks from today. Time is granted by us by way of last chance.

Another issue is that though the citizens residing in Khadwadi area are to be re-located and shifted to the land earmarked by the Government along with the land which the Sansthan has agreed to give, the preliminary work of survey of the eligible persons is not yet done. We, therefore, direct a Committee under the Chairmanship of the Sub-Divisional Officer be constituted for carrying out the survey work. The Deputy Superintendent of Land Records/Taluqa Inspector of Land Records and the Chief Officer of the Municipal Council shall be other two members of the Committee.

Needless to state that if the said Committee requires assistance of any other Officer, they would be free to invite the said Officer in the said Committee. The said Committee is directed to complete the survey within a period of three months from today.

It is informed at the bar that the Maharashtra Jeevan Pradikaran, which was required to file an affidavit with regard to testing of underground sewerage line, has not yet filed affidavit. We grant two weeks' time by way of last chance to the said Pradikaran to file the affidavit in that regard.

Mr.F.T.Mirza, learned amicus curiae has also brought to our notice the aspect of collection of a levy of Rs.10/- from the vehicle owners by the Municipal Council. We direct the Municipal Council to file an affidavit within two weeks from today stating therein as to what the Municipal Council proposes to

do from the money collected by such levy. The same shall be done within two weeks from today.

Stand over to 26.2.2016.

JUDGE

JUDGE

*jaiswal