

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

WRIT PETITION NO. 5856 OF 2007 (PIL)

*(Anandilal Hajarimal Bhutada and anr vrs. The Shegaon Municipal
Council and others)*

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

Court's or Judge's orders.

Shri F.T.Mirza, Amicus Curiae for Petitioners
Shri D.M.Kale, Advocate for respondent No.1
Shri D.P.Thakre, AGP for Respondent Nos.2 to 5.
Shri A.R.Patil, Advocate for Respondent No.6
Shri P.N.Kothari, Advocate for Respondent No.8
Shri N.P.Lambat, Advocate for Respondent NO.9
Shri D.M.Kakani, Advocate for Respondent No.11

CORAM: R.K. DESHPANDE AND
S.M.MODAK, JJ.

DATE: 10th APRIL, 2019.

C.A.W.No. 1073/19 for speaking to minutes

For the reasons stated in the application which are not controverted, the application is allowed.

In place of word "disbursed" in the order dated 27.03.2019, the word "closed" be substituted.

The corrections be carried out accordingly.

Civil application stands disposed of.

W.P.No. 5856/2007

The Public Works Department has filed an affidavit dated 30.03.2019, The Maharashtra

Jeevan Pradhikaran has filed an affidavit dated 10.04.2019 and the Municipal Council has filed an affidavit dated 09.04.2019 in respect of the balance 7% of work. All the concerned authorities except the Municipal Council has given the time schedule for completion of the project.

We, therefore, accept the said time scheduled and expect the respondents to adhere to it.

The affidavit filed by the Municipal Council seems to be vague and no definite commitment is done. Shri D.M.Kale, the learned counsel appearing for the Municipal Council makes a statement that because of promulgation of Code of Conduct, it is not possible for the Municipal Council to issue advertisement inviting proposals regarding willingness to provide land for the purposes of grave yard so that the proceedings for acquisition can be completed or the land can be acquired by way of negotiations.

We do not find that the Code of Conduct has anything to do with the notice inviting willingness from the parties prepared to make their lands available either by way of acquisition or by way of private negotiations for the purposes of grave yard. We, therefore, expect the Municipal Council to proceed further in the matter and the promulgation of Code of Conduct shall not be a reason to proceed with the

matter.

Put up this matter on **06.06.2019**.

In the meantime, the Municipal Council to file an affidavit giving the steps which it has taken to comply with the order passed by this Court.

JUDGE

JUDGE

Rvjalit