

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR.**

**WRIT PETITION NO. 5856/2007**

**( Anandilal s/o Hajarimal Bhutada and another .vs. The Shegaon Municipal  
Council, Shegaon and others. )**

**with**

**Writ Petition No. 3761/2008**

**( Shri Mangesh s/p Deenkarrao Indapawar and another .vs.  
State of Mah. And others.)**

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

Court's or Judge's orders.

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Shri F.T. Mirza, Advocate/Amicus Curiae  
Shri N.R. Saboo, Advocate for Respondent no.1.  
Shri N.W. Sambre, GP for Respondents 2 to 5.  
Shri A.R. Patil, Advocate for Respondent no.6.  
Shri A.S. Kilor, Advocate for Petitioner in W.P. No. 3761/2008

**CORAM : B.P.DHARMADHIKARI & P.D. KODE, JJ.**  
**DATED : AUGUST 05, 2011**

Heard respective counsel.

Learned Government Pleader has pointed out that affidavit filed on 21.6.2011 discloses achievements till quarter ending May, 2011. He states that appropriate affidavit for further period of three months ending on 31.8.2011 will be filed in due course.

Learned amicus curiae Shri Mirza has pointed out that in Annexure R-II with the said affidavit, contribution of respondent no.6-Trust and respondent no.1 Municipal Council is shown to be Rs.66,25,00,000/-. According to Advocate Shri Patil who appears for

respondent no.6, respondent no.6 has not assured any sum as yet for any such development work. Advocate Shri Saboo appearing for Municipal Council states that he is not aware of any such commitment even by Municipal Council.

Learned amicus curiae Shri Mirza has further pointed out certain items of works under progress to urge that after land acquisition is over, those works will be required to be shifted to the sidelines of roads or elsewhere and it will, therefore, be waste of public money.

Learned Government Pleader points out that there is nothing before this Court to presume that works are being carried out today at a place where the same may not exist permanently. He further states that from chart Annexure R-II, it is apparent that works are going on from funds made available from other sources and not from funds of respondent no.6.

In this situation, we permit petitioners/learned amicus curiae and also other respondents to file appropriate affidavits pointing out their commitments/contribution respectively to the development work. The affidavit shall also point out whether works under progress today may require demolition in future after acquisition of adjacent land or will be placed there only permanently.

If by coordinating amongst various agencies/contractors the duplication of the work can be avoided or then need to re-dig the roads already constructed can be done away with, respondent no.7 shall look into this issue.

List the matter for further consideration on 26.9.2011.

Respondents no.2 and 3 shall in the meanwhile file appropriate progress report. The other parties shall also file their respective affidavit till then.

**JUDGE**

**JUDGE**

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