

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.)The
Court on its own motion .vs. The Union of India, Ministry of Public Health, New Delhi and Ors.)
with

Writ Petition No.2563 of 2015

(Prakash s/o. Ramniranjan Goenka and Ors. vs. State, through its Secretary, Urban Dev. Deptt.
Mumbai and ors.)

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

Court's or Judge's orders

Writ Petition No.5856 of 2007 :

Mr.F.T.Mirza, amicus curiae.
Mr.D.M.Kale, Adv. for respondent no.1.
Mr.D.P.Thakare, AGP for respondent nos. 2 to 5.
Mr.A.R.Patil, Adv. for respondent no.6.
Mr.N.P.Lambat, Adv. for respondent no.9.
Mr.S.P.Bhandarkar, Adv. for the applicant/Intervener.

Writ Petition No.2563 of 2015 :

Mr.S.P.Bhandarkar, Adv. for the petitioner.
Mr.D.P.Thakare, AGP for respondent nos. 1 to 4.
Mr.N.R,Saboo, Adv. for respondent no.5.

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

DATE : 17.12.2015.

Heard.

In pursuance of the order passed by this
Court dt.3.12.2015, an affidavit has been filed by the
Chief Officer, Municipal Council, Shegaon.

Mr.F.T.Mirza, learned amicus curiae
submits that the question as to whether the inspection

was carried out in accordance with the terms of Contract or not can be aptly answered only by the Maharashtra Jeevan Pradhikaran. He, therefore, submits that said Maharashtra Jeevan Pradhikaran would be a necessary party in the present matter.

Hence, leave is granted to imead “The Executive Engineer, Maharashtra Jeevan Pradhikaran, Buldhana” as a party/respondent.

Amendment be carried out forthwith.

Issue notice to the newly added party/respondent returnable on 7.1.2016.

Hamdast is granted.

Insofar as issuance of Completion Certificate with regard to construction of R.O.B. is concerned, the learned A.G.P. submits that the Completion Certificate has already been issued by the Executive Engineer to the Railway Authorities to pay its share within a period of four weeks from today.

It is specific contention of the petitioners in the present petitions that the structures of the petitioners were demolished much in excess of the area which was under acquisition. It is further submitted that though, on 27.10.2015, the Division Bench of this Court had orally directed the learned A.G.P. not to proceed further with the demolition, the demolition work was carried out in disobedience of the orders passed by this Court.

Mr.S.P.Bhandarkar, learned Counsel submits that demolition was carried out by respondent

no.5.

The petitioner has filed an affidavit to substantiate the contentions made in that regard.

In that view of the matter, we direct respondent no.5 to file an affidavit so as to meet the averments made by the petitioner in its affidavit.

Stand over to 7.1.2016.

JUDGE

JUDGE

**jaiswal*