

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.
WRIT PETITION NO.2754 OF 2007.

Kishor s/o Namdeorao Gathadi. PETITIONER
V/s

Municipal Corporation, Aurangabad through its
Municipal Commissioner, and anr. RESPONDENTS

Shri K.C. Sant, Advocate for Petitioner.
Shri R.S. Deshmukh, Advocate for R.Nos.1 and 6.
Shri K.G. Patil, A.G.P. for Respondent No.2.
Shri S.V. Gangapurwala, Advocate for R.Nos.3 & 5.

CORAM: P.V. KAKADE
AND

P.R. BORKAR, JJ.

DATE : 6th SEPTEMBER, 2007.

PER COURT:

For the reasons separately recorded, the petition is hereby dismissed.

However, it is directed that while developing the site at Siddharth Garden, Aurangabad, 37 notified trees are required to be cut. Similarly, at the site near Mayor's Bungalow, Railway Station, Aurangabad, five trees are notified to be cut. This felling of trees is allowed on condition that the concerned developers - respondents on both the sites shall, with the assistance from respondent - Corporation, plant at least ten trees for every cut tree in the near vicinity of the respective sites and shall make deposit of Rs.1000/- per cut tree with the tree authority of the Corporation as non refundable deposit. It shall be the responsibility of the concerned developers - respondents, with the assistance from the concerned authorities of the Garden Department of the Corporation to look after the newly planted trees at least for next five years from the date of the order. Such trees to be planted within two months from the date of this order. The nature of the trees to be planted to be determined by the tree authority of the Corporation.

With these directions, the petition stands disposed of with no order as to costs. Interim order stands vacated.

At this stage, the learned Counsel for the petitioner made a plea for stay of the order. In view of the facts and circumstances, the plea for stay stands rejected.

[P.R. BORKAR, J]

[P.V. KAKADE, J]

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