IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11127 OF 2014

IJAZ KHAN ABDUL SAMAD KHAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
...
Advocate for Petitioner : Mr. Talekar S. B. and Mr. U. R. Awate
AGP for R Nos. 1 to 3: Mrs. A.V. Gondhalekar with Mr. S.R. Palnitkar
Advocate for Respondent No.4 : Mr. V.D. Kadam
Advocate for respondent No.5: Mr. Ruchir S. Wani h/f Mr. A.S. Bajaj

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CORAM : A. V. NIRGUDE AND
V. K. JADHAV, JJ.

DATED : 6th FEBRUARY, 2015

P.C. :-

1. Heard the learned counsel for the parties. Perused the contents of petition. We also perused, minutely, the order dated 20.1.2015 passed by the Division Bench of this Court, Coram: R.M. Borde and P.R. Bora, JJ. in writ petition No. 11361 of 2014 and other connected writ petitions. We are of the view that the petitioner deserves liberty to approach the appropriate authority with appropriate application seeking development permission or regularization of construction already raised. We accordingly grant such liberty to the petitioner to prefer appropriate application within a period of one month from today. The appropriate authority shall decide the application made by the petitioner within a period of three months from the date of receipt of such application and shall not demolish the construction for a period of four weeks from the date of order of directing demolition of

the work.

2. In addition to this, the amount deposited by the petitioner with the Administrator, Satara-Deolai Municipal Council shall be remained with him in separate account. The said amount shall be subjected to the decision of the planning authority, as indicated above. It would also be open for the petitioner to approach this Court in the event of occurrence of any cause relating to deposit so made. The petitioner is directed not to raise further construction and not to create any third party interest. The petitioner shall tender an undertaking to the effect that they would not create any third party interest and that they would themselves remove unauthorized construction raised by them in the event of decision of the appropriate authority, including the State Government, goes against him. We hereby accept the undertaking so furnished by the petitioner. The petition is disposed of.

3. In view of earlier order, the protection shall continue subject to the outcome of application that would be made by the petitioner before the appropriate authority for regularization etc. and decision etc. on it.

(V. K. JADHAV, J.) **(A. V. NIRGUDE, J.)**

rlj/