

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2467 OF 2013

VAIJANATH BHUJANGAPPA NILANGE AND OTHERS
VERSUS
THE CHIEF OFFICER, MUNICIPAL COUNCIL, PARLI-VAIJNATH AND
OTHERS

...
Advocate for Petitioners : Warad Sunil V.
AGP for Respondents:
Adv.Mr.Mundhe Sanjay V. For R/1

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WRIT PETITION NO. 3389 OF 2013

RADHAKISHAN MURLIDHAR WALSE AND OTHERS
VERSUS
THE CHIEF OFFICER, MUNICIPAL COUNCIL, PARLI VAIJNATH AND
OTHERS

...
Advocate for Petitioners : Warad Sunil V.
AGP for Respondents State: Mr.V.D.Rakh
Advocate for Respondents : S V Mundhe For R/1 (vp Not Filed)mundhe
Sanjay V. For R/1

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**CORAM : S.V.GANGAPURWALA &
A.M.BADAR,JJ.**

DATED : 10TH FEBRUARY,2016

PER COURT :-

According to Mr.Warad, the learned counsel for the petitioners, the petitioners are the tenants over the suit premises, however, their possession is being threatened by giving 24 hours notice. The petitioners are directed to vacate the premises. Unless due procedure of law is followed, the petitioners cannot be evicted.

2] Mr.Mundhe, learned counsel for respondent submits that the petitioners have voluntarily given the possession. The report to that effect is also submitted by Municipal Council to the Collector, even video recording has been conducted.

3] It is not disputed that petitioners are not the trespassers. Their entry upon the suit premises is under permission of the Municipal Council.

4] Whether petitioners have voluntarily given the possession or they have never given the possession, would be disputed questions of fact, the same cannot be gone into in the Writ Petition. The petitioners may avail the remedy before Civil Court or before such other forum, as may be permissible in law. The status quo granted by this Court on 26/3/2013 and 24/4/2013 shall continue for a period of 15 days from today. Needless to state, on lapse of 15 days, protection granted by this Court shall come to an end. It would be for the forum where the proceedings are filed, to consider the rival contentions of the parties. All contentions are kept open. Writ Petitions are disposed of. No costs.

(A.M.BADAR,J.)

(S.V.GANGAPURWALA,J.)

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