

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 8297 OF 2013
WITH CA/14667/2013 IN WP/8297/2013

SURESH NANAPPA MENCHIREL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. R.R. Deshmukh, h/f. Mr. Rajiv B. Deshmukh
AGP for Respondents: Miss S.S. Raut.
Advocate for Respondent No.2 : Mr. S.S. Tope.

CORAM : S.V. GANGAPURWALA
& K.K. SONAWANE, JJ.
DATE : 5th AUGUST , 2016.

PER COURT:

1] Learned counsel for the petitioner submits that the petitioner is in lawful possession of the plot and as such, the petitioner had moved for regularization under the provisions of the Maharashtra Gunthewari Development, Regulation, Upgradation and Control Act, 2001. The said application has been rejected only on the ground that the petitioner has not annexed the documents about the legal ownership and possession. Petitioner has filed a civil suit for injunction in which the court has granted temporary injunction in favour of the petitioner. The said aspect is not considered. The requirement of Section 4(1) of the said Act of 2001 are complied.

2] Mr. Tope, Adv. for respondent submits that petitioner is claiming his right on the basis of agreement of sale. No sale deed is executed in favour of the petitioner. The owner has objected to the claim of the petitioner and a civil suit is pending. The corporation is not party to the suit.

3] It appears that the petitioner has filed a civil suit bearing No. 482 of 2011. The petitioner has got order of temporary injunction in his

favour. However, said suit is not finally decided. Considering the fact that the suit filed by the petitioner is still pending, we dispose of the writ petition with liberty to the petitioner to renew the request after the decision of the civil suit. Writ petition is accordingly disposed of. No costs. Civil application also stands disposed of.

[K.K. SONAWANE]
JUDGE

grt/-

[S.V. GANGAPURWALA]
JUDGE.