

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

**WRIT PETITION NO. 9858 OF 2013**

Asifkhan S/o Shergulkhan and another ...PETITIONERS

versus

The State of Maharashtra and others ...RESPONDENTS

.....  
Mr. P.S. Paranjape, Advocate for petitioners  
Mr. S.M. Ganachari, AGP for respondent No. 1  
Mr. M.P. Tripathi, Advocate for respondent No. 2  
.....

**CORAM : S. V. GANGAPURWALA AND  
K.K. SONAWANE, JJ.**

**DATED : 21<sup>st</sup> JUNE, 2016.**

**Order :-**

1. Notice dated 29-11-2013 issued by respondent No. 2 is assailed in present writ petition. It appears that same was also taken up before the Collector, under section 308 of the Maharashtra Municipal Council Nagar Panchayats and Industrial Townships Act, 1965 and the Collector allowed application of the petitioners and has suspended said notice.
2. As impugned notice is suspended by the Collector itself, purpose of writ petition does not survive.
3. It is stated that, petitioners have already moved application for regularization of the construction with respondent No. 2. Respondent No. 2 shall take decision on the application filed by petitioners for regularization of their constructions on its own merits in accordance with law. Till said application is decided, respondents - authorities shall

not take any other action against the petitioners.

4. In case, after decision on regularization application, if some steps are taken the parties would have fresh cause of action to take up proceedings as may be permissible in law.

5. Writ petition accordingly stands disposed of. No costs.

Sd/-

**[ K. K. SONAWANE, J.]**

Sd/-

**[S. V. GANGAPURWALA, J.]**

MTK