

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION STAMP NO. 30731 OF 2016

Abdul Salam Abdul Aziz and anr.	.. Petitioners
Vs.	
(R.S.Jagtap) Commissioner of Malegaon Municipal Corporation and ors.	.. Respondents

Mr.Firoz A. Ansari, for the Petitioners.

CORAM : M.S.KARNIK, J.
DATE : 05th NOVEMBER, 2016
VACATION COURT

P.C. :

. Heard learned Counsel for the petitioners. Learned Counsel for the petitioners makes a statement that he has served copy of this Petition on the respondent No.1 – Corporation.

2. Petitioner No.1 apprehends demolition in respect of a structure which he claims to be residing which is situate on plot No. 67, Survey No. 215 of Hakim Nagar, Nayapura Galli No.10, Malegaon described in the Advocate's notice at Exhibit 'D' collectively at page No. 17 of the Petition. Petitioner No.2 apprehends demolition of

room No. 107 situate in survey No. 199/3 within the limits of respondent No.1 – Municipal Corporation. According to the petitioners, they have not received any notice from the Corporation about the apprehended demolition, but in paragraph 11, the petitioners have averred that the action for demolition is fixed on 06/11/2016.

3. Be that as it may, the learned Counsel for the petitioners seeks leave to withdraw this Writ Petition with liberty to file appropriate proceedings before the Competent Court/Authority in respect of the said cause of action. He, however, prays that no coercive steps may be taken by the respondent No.1 – Corporation against the structure above mentioned till 17/11/2016 so as to enable him to take appropriate legal recourse.

4. The Writ Petition is accordingly allowed to be withdrawn with liberty to the petitioners to file appropriate proceedings before the Competent Court/Authority. In case, such proceedings are filed, the Competent Court/Authority may decide the same on its own merits without being influenced by any observations made herein. Accordingly, no coercive steps may be taken by the respondent No.1–

Corporation against the petitioners till 17/11/2016. All the contentions of the parties are kept open.

(M.S.KARNIK, J.)