

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

WRIT PETITION NO. 2072 OF 2017

Sulochanabai w/o. Laxman Kolhe .. Petitioner

Versus

The State of Maharashtra & Ors. .. Respondent

Mr.Milind Patil, Advocate for the petitioner.

Mr.A.V. Deshmukh, AGP for respondent/State.

Mr.V.D. Hon, Sr. Counsel i/b. Mr. Ajinkya P. Deshmukh,
Advocate for respondent No.4.

CORAM : S.B. SHUKRE,J.

DATED : 13.02.2017

P.C. :-

1. Heard learned Counsel for the petitioner, learned A.G.P. for respondent Nos.1 and 2 and learned Sr. Counsel Mr.Hon, who appears by waiving notice on behalf of respondent No.4.

2. Although the learned Counsel for the petitioner has made strenuous efforts to show as to how the order challenged in this petition is patently illegal and perverse, perusal of the said order on the face of it shows that it has been passed within four corners of law settled by the Hon'ble Apex Court.

3. Entirely different cause of action has been sought to be introduced by the proposed amendment in respect of which alternate remedy is available and the remedy of civil suit is also barred in view of the provisions of Section 149 of the Maharashtra Regional and Town Planning Act. During the pendency of the suit, the revised sanction has been granted by the planning authority. If the petitioner wants to challenge the said sanction and also the construction made in pursuance of the sanction so granted, the petitioner will have to resort to the alternate remedy available under the law. In this view of the matter, this writ petition deserves to be summarily rejected.

4. The writ petition stands dismissed. No costs.

[S.B. SHUKRE, J.]