

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 956 OF 2016

Shankarrao Limbajirao Wakulnikar
and others

.. **Petitioners**

Versus

The Municipal Corporation, Aurangabad,
Through its Commissioner and others

.. **Respondents**

Shri B. L. Sagar-Killarikar h/f Shri M. B. Sandanshiv, Advocate
for the Petitioners.

Shri Ameet R. Vaidya, Advocate for Respondent No. 1.

Shri P. S. Patil, Addl. G. P. for the Respondent No. 2.

Shri R. S. Deshmukh, Advocate for Respondent No. 3.

CORAM : **S. V. GANGAPURWALA &**
MANGESH S. PATIL, JJ.

DATE : **14th September, 2017**

PER COURT :

1. Mr. Sagar-Killarikar, the learned counsel for the petitioners submits that, after the present writ petition was filed the Corporation has taken steps to remove the debris, garbage from the writ site. The learned counsel, on instructions, submits that the Society has already handed over the internal road to the Corporation. However, the Corporation has not constructed the further road as the intervenor, herein respondent No. 3, is apposing the same. Though, respondent No. 3 has filed a suit for injunction no orders are passed by the Civil Court. The

respondent be directed to take steps to construct the further road.

2. Mr. Vaidya, the learned counsel for the Municipal Corporation submits that debris is removed, the writ site is made clean, however, further work for construction of the road cannot be undertaken because of the suit pending in the Civil Court instituted by the respondent No. 3 herein.

3. Mr. Deshmukh, the learned counsel for respondent No. 3 submits that the Civil Court did not pass any orders because of the pendency of the present writ petition.

4. The Corporation is bound to perform its statutory duties enshrined under the statute. The grievance of the petitioners as regards removal of the debris has been met with. As far as, necessary action to make the roads and open spaces, from City Survey No. 2964/17, free from encroachment is concerned the Corporation is bound to remove the encroachment in public places. The Corporation may perform its duties subject to any order passed by the Civil Court.

5. The writ petition is accordingly disposed of. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

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