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

SECOND APPEAL NO.870 OF 2005

Ahmednagar Municipal Corporation,
Ahmednagar, through its
Commissioner.

..APPELLANT

VERSUS

The World Tinewal Spiritual Trust
On behalf of said Public Trust,
Trustee Ramesh Nanalal Shah,
Age: 71 years, Occ: Chartered
Accountant R/o. Bombay on behalf
of his General Power of Attorney
Holder Kumari Brahmakumari
Rajeshwari, Age: 51 years,
Occ: Religious work,
R/o. Prajapati Brahmakumari,
Ishwarya Vishwa Vidyalaya
Behind Hotel Oberoi, Savedi Road,
Savedi, Ahmednagar.

..RESPONDENT

Mr K.N. Lokhande, Advocate h/f Mr V.P. Latange,
Advocate for appellants;
Mrs Yogita Kshrisgar, Advocate for repondent

CORAM : NITIN W. SAMBRE, J.

DATE : 3rd NOVEMBER, 2017

ORAL ORDER :

The appearance of Mr. V.S. Bedre, learned
Counsel for the respondent is discharged, as Mrs.
Kshirsagar, learned Counsel caused her appearance

(2)

on behalf of the respondent.

2. Having heard respective Counsel for some time, it is noted that present appeal is against concurrent findings recorded by both the Courts below against the appellant, who is restrained from disconnecting the water supply of the respondents over the suit property and from demolishing or removing construction standing thereon.

3. Parties are in agreement that issue of cancellation of lay out plan is already subjudice before the State Government and State Government dismissed the appeal of the present appellant, same will come in the way of present appellant in the matter of demolishing or removing construction (illegal) and for disconnecting the water supply.

4. As the aforesaid factual matrix is not disputed, in my opinion, present appeal can be disposed of with following observations:

(3)

In case cancellation of lay out plan is allowed by the State Government, present appellant will be at liberty to take out such proceedings as shall be permissible in accordance with provisions of Bombay Provincial Corporation Act qua giving effect to earlier act of disconnecting water supply or removing or demolishing illegal construction.

(NITIN W. SAMBRE, J.)

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