

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2794 OF 2014

Jaspalsing Hardayalsing Ghai

.. **Petitioner**

Versus

Aurangabad Municipal Corporation
and another

.. **Respondents**

Shri Amol K. Gawali, Advocate for the Petitioner.

Shri J. R. Shah, Advocate for Respondent No. 1.

Shri Vaibhav Pawar h/f Shri S. S. Tope, Advocate for Respondent
No. 2.

CORAM : S. V. GANGAPURWALA, J.

DATE : 11th December, 2017

PER COURT :

1. Heard Mr. Gawali, learned advocate for the petitioner and Mr. Shah, learned advocate for respondent No. 1. The petitioner had filed a suit challenging the notice under Section 51 of the Maharashtra Regional and Town Planning Act, 1966 alongwith the suit the petitioner filed an application for temporary injunction (Exhibit - 5). The application was rejected. The appeal filed by the petitioner against the said order is dismissed. Aggrieved thereby the present petition.

2. This court on May 8, 2014 had passed the following interim order.

“.....

3. Till next date, except said two portions of the building in respect of which notice dated 19-10-2012 (Exhibit – I to petition) had been issued to the petitioner, the corporation shall not disturb rest of the premises, its occupation and carrying on of business on account of suspension of occupancy certificate under orders dated 16-3-2013 (Exhibit – J to petition) and dated 23-8-2013 (Exhibit-K to the petition).”

3. Considering the fact that interim order is in force for almost 3½ years, interest of justice would be subserved by continuing the said order and directing disposal of the suit.

4. In light of above, the interim order passed by this court on May 8, 2014 shall continue till the disposal of the suit. The trial court shall endeavour to decide the suit expeditiously and preferably within a period of nine (9) months.

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

[S. V. GANGAPURWALA, J.]