

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

908 WRIT PETITION NO. 2595 OF 2004
WITH CA/5570/2015 IN WP/2595/2004

SHIVKUMAR BANSILAL MODI
VERSUS
STATE OF MAHA & ORS

...
Advocate for Petitioner : Mr. R.R. Mantri
AGP for Respondents 1 to 3 : Mr. A.S. Shinde
...

**CORAM : T.V. NALAWADE AND
SANGITRAO S. PATIL, JJ.**
DATED : June 09, 2017.

ORDER :

. Both the sides are heard for some time. There is possibility that the construction in which the country liquor shop of the petitioner is being run was in village Naregaon or in farm house prior to inclusion of Naregaon area in the limits of Municipal Corporation, Aurangabad. In view of this circumstance, there is possibility that parties are facing difficulty in getting the record of permission of construction from Corporation. Then there is way out. There is planning authority for rural area also and a map also can be collected to show that the Gat number where the shop is situated is the part of village or it was not the part of village. If it was part of village, then there must be record of assessment made by Village Panchayat

in respect of the disputed property. If it was not part of village, then with the planning authority there must be record of permission. The learned counsel for petitioner is expected to show that record so that the matter can be decided. Stand over to 27.6.2017.

2. The application filed for permission to amend the title and memo of the petition is taken on record. Number be given to the application. It is allowed in view of the change of names in the licence. Amendment is to be carried out immediately. The application is disposed of.

3. Civil Application No. 5570/2015 filed for permission to produce the documents is allowed and disposed of.

[SANGITRAO S. PATIL, J.]

[T.V. NALAWADE, J.]

ssc/