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

WRIT PETITION NO. 7383 OF 2017

**ABDUL WAHAB ABDUL WALI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**...
WITH**

WRIT PETITION NO. 7229 OF 2017

Mujib Badshah Patel and others ..PETITIONERS

Versus

The State of Maharashtra and others ..RESPONDENTS

**WITH
WRIT PETITION NO. 7318 OF 2017**

Hasham Khan Rahim Khan Pathan ..PETITIONER

Versus

The State of Maharashtra and others ..RESPONDENTS

**WITH
WRIT PETITION NO. 7382 OF 2017**

Shahank s/o Balkrushna Bhattad ..PETITIONER

Versus

The State of Maharashtra and others ..RESPONDENTS

**WITH
WRIT PETITION NO. 7387 OF 2017**

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Shaikh Irfan Shaikh Yusuf Patel and others ..PETITIONERS

Versus

The State of Maharashtra and others ..RESPONDENTS

**WITH
WRIT PETITION NO. 7390 OF 2017**

Ganesh Padmakar Ghole ..PETITIONER

Versus

The State of Maharashtra and others ..RESPONDENTS

**WITH
WRIT PETITION NO. 7392 OF 2017**

Smt. Afsar Begum Usman Beg ..PETITIONER

Versus

The State of Maharashtra and others ..RESPONDENTS

**WITH
WRIT PETITION NO. 7395 OF 2017**

Jamil Khan Shabbir Khan Patel and others ..PETITIONERS

Versus

The State of Maharashtra and others ..RESPONDENTS

**WITH
WRIT PETITION NO. 7398 OF 2017**

Smt. Rahemunisa Begum Ahmed Beg ..PETITIONER

Versus

The State of Maharashtra and others ..RESPONDENTS

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**WITH
WRIT PETITION NO. 7399 OF 2017**

Wazidkhan Shabirkhan Patel ..PETITIONER

Versus

The State of Maharashtra and others ..RESPONDENTS

**WITH
WRIT PETITION NO. 7400 OF 2017**

Sajeda Naeem Shaikh ..PETITIONER

Versus

The State of Maharashtra and others ..RESPONDENTS

**WITH
WRIT PETITION NO. 7401 OF 2017**

Khajuddin Sharifoddin Mulla and another ..PETITIONERS

Versus

The State of Maharashtra and others ..RESPONDENTS

**WITH
WRIT PETITION NO. 7402 OF 2017**

Meer Akram Mohiuddin Hashmi ..PETITIONER

Versus

The State of Maharashtra and others ..RESPONDENTS

**WITH
WRIT PETITION NO. 7403 OF 2017**

Shafique Khan Shabbir Khan Patel and others ..PETITIONERS

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Versus

The State of Maharashtra and others ..RESPONDENTS

**WITH
WRIT PETITION NO. 7404 OF 2017**

Jamil Khan Shabbir Khan Patel ..PETITIONER

Versus

The State of Maharashtra and others ..RESPONDENTS

**WITH
WRIT PETITION NO. 7405 OF 2017**

Faruque Khan Shabbir Khan Patel and others ..PETITIONERS

Versus

The State of Maharashtra and others ..RESPONDENTS

**WITH
WRIT PETITION NO. 7406 OF 2017**

Jawed Moyoddin Md. Moinoddin ..PETITIONER

Versus

The State of Maharashtra and others ..RESPONDENTS

**WITH
WRIT PETITION NO. 7407 OF 2017**

Anis Khan Shabbir Khan Patel and others ..PETITIONERS

Versus

The State of Maharashtra and others ..RESPONDENTS

**WITH
WRIT PETITION NO. 7409 OF 2017**

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Shaikh Mobin Noor Mohammad ..PETITIONER

Versus

The State of Maharashtra and others ..RESPONDENTS

**WITH
WRIT PETITION NO. 7410 OF 2017**

Pyari Begum Nabi Patel ..PETITIONER

Versus

The State of Maharashtra and others ..RESPONDENTS

**WITH
WRIT PETITION NO. 7411 OF 2017**

Shaikh Baba Shaikh Bane ..PETITIONER

Versus

The State of Maharashtra and others ..RESPONDENTS

**WITH
WRIT PETITION NO. 7412 OF 2017**

Xavier Devidas Anthony ..PETITIONER

Versus

The State of Maharashtra and others ..RESPONDENTS

**WITH
WRIT PETITION NO. 7413 OF 2017**

Pralhad s/o Hariram Panhale
Parnter of M/s. Piyush Enterprises, ..PETITIONER

Versus

The State of Maharashtra and others ..RESPONDENTS

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**WITH
WRIT PETITION NO. 7427 OF 2017**

Abdul Majid Khan s/o Abdul Rahim Khan ..PETITIONER

Versus

The State of Maharashtra and others ..RESPONDENTS

**WITH
WRIT PETITION NO. 7429 OF 2017**

Mirza Shamim Baig ..PETITIONER

Versus

The State of Maharashtra and others ..RESPONDENTS

**WITH
WRIT PETITION NO. 7430 OF 2017**

Shaikh Noor Sk. Yusuf (Died)
Through his L.R.s. Javed Shaikh Noor
and others ..PETITIONERS

Versus

The State of Maharashtra and others ..RESPONDENTS

**WITH
WRIT PETITION NO. 7431 OF 2017**

Rafique Ahmed s/o Hassan Khan and others ..PETITIONERS

Versus

The State of Maharashtra and others ..RESPONDENTS

**WITH
WRIT PETITION NO. 7432 OF 2017**

Abdul Qayyum Mohammad
Mustafa Ansari ..PETITIONER

Versus

The State of Maharashtra and others ..RESPONDENTS

**WITH
WRIT PETITION NO. 7433 OF 2017**

Mohammed Ajazuddin s/o Mohammed
Viqaruddin and another ..PETITIONERS

Versus

The State of Maharashtra and others ..RESPONDENTS

**...
WITH**

WRIT PETITION NO. 7394 OF 2017

Sayed Pashamiya Sayed Hujur Sab ..PETITIONER

Versus

The State of Maharashtra and others ..RESPONDENTS

**WITH
WRIT PETITION NO. 7384 OF 2017**

Ismail Yusuf Pathan ..PETITIONER

Versus

The State of Maharashtra and others ..RESPONDENTS

WRIT PETITION NO. 7385 OF 2017

Mohd. Afsar Mohd. Ibrahim ..PETITIONER

Versus

The State of Maharashtra and others ..RESPONDENTS

WRIT PETITION NO. 7386 OF 2017

Sayyed Habib Sayyed Karim ..PETITIONER

Versus

The State of Maharashtra and others ..RESPONDENTS

WRIT PETITION NO. 7388 OF 2017

Sara Towers Pvt. Ltd.,
Through its Director N S Agrawal ..PETITIONER

Versus

The State of Maharashtra and others ..RESPONDENTS

**WITH
WRIT PETITION NO. 7389 OF 2017**

Vinay s/o Prakashchand Runwal ..PETITIONER

Versus

The State of Maharashtra and others ..RESPONDENTS

**WITH
WRIT PETITION NO. 7391 OF 2017**

Amarjitsing Narjansingh Saini ..PETITIONER

Versus

The State of Maharashtra and others ..RESPONDENTS

**WITH
WRIT PETITION NO. 7393 OF 2017**

Shaikh Kadir Shaikh Hasan ..PETITIONER

Versus

The State of Maharashtra and others ..RESPONDENTS

**WITH
WRIT PETITION NO. 7396 OF 2017**

Khaled Abdul Hafiz Pathan ..PETITIONER

Versus

The State of Maharashtra and others ..RESPONDENTS

**WITH
WRIT PETITION NO. 7397 OF 2017**

Vinayakrao s/o Laxman Hiwale ..PETITIONER

Versus

The State of Maharashtra and others ..RESPONDENTS

**WITH
WRIT PETITION NO. 7408 OF 2017**

Trilokchand Bansilal Pande and others ..PETITIONER

Versus

The State of Maharashtra and others ..RESPONDENTS

**WITH
WRIT PETITION NO. 7414 OF 2017**

Aslam Khan Azam Khan and another ..PETITIONERS

Versus

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The State of Maharashtra and others ..RESPONDENTS

**WITH
WRIT PETITION NO. 7415 OF 2017**

Naeem Khan Karim Khan and others ..PETITIONER

Versus

The State of Maharashtra and others ..RESPONDENTS

**WITH
WRIT PETITION NO. 7416 OF 2017**

Sayed Abdul Sattar Sayed Sandu ..PETITIONER

Versus

The State of Maharashtra and others ..RESPONDENTS

**WITH
WRIT PETITION NO. 7417 OF 2017**

Mandakini Chaganrao Gadekar ..PETITIONER

Versus

The State of Maharashtra and others ..RESPONDENTS

**WITH
WRIT PETITION NO. 7418 OF 2017**

Shaikh Abdul Wasim Abdul Aziz ..PETITIONER

Versus

The State of Maharashtra and others ..RESPONDENTS

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**WITH
WRIT PETITION NO. 7419 OF 2017**

Sarika Aishwaryakumar Badjate and another ..PETITIONERS

Versus

The State of Maharashtra and others ..RESPONDENTS

...

**WITH
WRIT PETITION NO. 7428 OF 2017**

Marathwada Medical and research Institute
Aurangabad, Kamalnayan Bajaj Hospital ..PETITIONER

Versus

The State of Maharashtra and others ..RESPONDENTS

**WITH
WRIT PETITION NO. 7510 OF 2017**

Smt. Gulshad Begum w/o Shaikh Razzak
Patel and others ..PETITIONERS

Versus

The State of Maharashtra and others ..RESPONDENTS

**WITH
WRIT PETITION NO. 7513 OF 2017**

Mohd. Musa s/o Mohd. Ibrahim
Through GPA Smt. Hanifa Bano

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w/o Mohd. Jafar

..PETITIONER

Versus

The State of Maharashtra and others

..RESPONDENTS

**WITH
WRIT PETITION NO. 7514 OF 2017**

Jafar Khan s/o Hussain Khan @ Patel
and others

..PETITIONERS

Versus

The State of Maharashtra and others

..RESPONDENTS

**WITH
WRIT PETITION NO. 7516 OF 2017**

Shaikh Kalimoddin s/o Shaikh Salimoddin
and another

..PETITIONERS

Versus

The State of Maharashtra and others

..RESPONDENTS

Mr.Devdatt P. Palodkar, Mr. V.D. Sapkal, Mr. Amol N. Kakade,
Mr.U.L. Momale, Mr. Manish P. Tripathi, Mr. Layak S. Shaikh,
Mr.S.S.Thombre, Mr.Abasaheb D. Shinde, Mr. Murlidhar S.
Karad, Mr.Syed G.R., Mr.S.S.Kazi, Deshmukh Javed Abdul H.
Advocates for the petitioner/s in respective writ petitions

Mr.S.S. Tope, Mr. A.R. Kale, A.G.Ps. for Respondents/State in
respective writ petitions

Mr. Anand P. Bhandari, Advocate for respondent-Corporation in
respective writ petitions

**CORAM : S.C.DHARMADHIKARI &
MANGESH S. PATIL,JJ.**

DATE : 07/06/2017

PER COURT :-

Heard both sides. The affidavit in reply of the Municipal Corporation is taken on record. We think that the issue raised in these petitions is common to Writ Petition No.7476/2017 decided by us today. All affidavits filed by corporation are taken on record.

2] In the order passed in that Writ Petition, we had expressed no opinion on the power, jurisdiction and authority of the Corporation to proceed against any work which is alleged to be unauthorised or without permission. All that we have expressed is that the Corporation may take recourse to law and by following the principles of natural justice in exercise of their powers under the Maharashtra Municipal Corporation Act, 1949 as also Sections 260 and 478 of the Act. That power is to be exercised in above terms. We have not said anything by which this Court has concluded and particularly that the construction at site is without permission or unauthorised and that cannot be removed merely because the Corporation referred to the same being affected by 60 meter wide road on Beed-by-pass road. It is clear in law that for any work to be commenced/carried out the requisite permission for development within the meaning of Section 44 of the MRTP Act has to be taken and while granting that permission the corporation can have due regard to the proposals in the development plan. However, our order only enumerates that there is duty cast on the corporation to reach the requisite satisfaction in terms of Section 260 and also Section 478. The

Corporation by one line communication said that the cause shown is not sufficient but assigned no reason and for such exercise of the powers within the meaning of these provisions and by keeping open all contentions of both sides, on the merits of the allegations we dispose of each of these petitions. Needless to clarify that the corporation cannot take any action in terms of the impugned communications/orders. By consent all Writ Petitions are disposed of in these terms. No costs.

(MANGESH S. PATIL,J.)

(S.C.DHARMADHIKARI,J.)

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