

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

WRIT PETITION NO. 12876 OF 2016

Sangamner Municipal Council,
through its Chief Officer ...Petitioner

VERSUS

Gaffar Satta Shaikh and anr. ...Respondents

Shri V.S.Bedre, advocate for petitioner

CORAM : S.V.GANGAPURWALA, J.

DATED : 16th January, 2017

ORDER :-

The respondents have filed suit for declaration and injunction challenging the notice issued by the present petitioner for demolition of the construction. The temporary injunction application filed by the plaintiff is allowed. The petitioner/defendant filed an appeal before the District Court. The District Court dismissed the appeal. Aggrieved thereby, the present petition.

2. Mr. Bedre, learned counsel for the petitioner submits that on being satisfied that the constructions is illegal, the petitioner issued notice for demolition of such an illegal construction. Construction being illegal, cannot be protected. The Courts below ought not to have granted injunction. The same would be against the public interest.

3. I have considered the submissions. In fact, the appellate Court under the impugned order dated 15.6.2016 has directed the Trial Court to dispose of the suit within three months. The Courts in exercise of its jurisdiction under Article 227 of the Constitution of India would be slow in interference with the concurrent findings. As directions are given by the District Court to dispose of the suit, expeditiously, I hope and trust that the Trial Court would adhere to the said order and would dispose of the same, expeditiously.

4. With the above observations, Writ Petition is disposed of. No costs.

(S.V.GANGAPURWALA, J.)

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