

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1323 OF 2015

The Chief Officer, Municipal Council Sillod
and another

.. **Petitioners**

Versus

Ram Mulumal Katariya and another

.. **Respondents**

Shri S. D. Hiwrekar, Advocate for the Petitioner.

Shri Devdatt P. Palodkar, Advocate for Respondnt Nos. 1 and 2.

CORAM : S. V. GANGAPURWALA, J.

DATE : 14th December, 2017

PER COURT :

1. Mr. Hiwrekar, learned advocate for the petitioners submits that public authority could not have been restrained from constructing the public road. According to the learned advocate, the public welfare work cannot be hampered.

2. The injunction is operating against the present petitioners since 12.9.2014. The court has observed that plaintiffs cannot take the benefit of interim relief if the construction is on the plot affected by the development plan. The petitioners are entitled to

make construction of road through the said property by following due process of law. There is no injunction against the petitioners to follow due process of law in making construction of the road. The suit is of the year – 2009. In fact the parties ought to have proceeded with the suit.

3. The trial court shall dispose of the suit expeditiously and preferably within eight (8) months. The parties shall co-operate in expeditious disposal of the suit.

4. The writ petition is disposed of. No costs.

[S. V. GANGAPURWALA, J.]

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