

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

WRIT PETITION NO. 10947 OF 2015

Radhaji Dashrath Shelke and others

...PETITIONERS

versus

The Secretary,
Revenue and Forest Department
Maharashtra State,
Mantralaya, Mumbai -32 & ors.

...RESPONDENTS

....

Mr. N.V. Gaware, Advocate for petitioners
Mr. S.G. Karlkekar, AGP for Respondents No. 1 to 4
Mr. S.S. Bora, Advocate for respondent No. 5

....

**CORAM : S.S. SHINDE AND
K.K. SONAWANE, JJ.**

DATED : 21st FEBRUARY, 2017.

Order :-

1. Heard learned counsel appearing for the parties.
2. After hearing the learned counsel for petitioners for some time and on perusal of pleadings in the petition, the reliefs claimed therein and annexures thereto, in our opinion the petition raises disputed questions of fact. Apart from it, admittedly some of the petitioners have received notices from respondent No. 5 - Municipal Corporation, Parbhani (for short "Corporation"). The petitioners have not yet filed reply to said notices. In our opinion, present petition is premature in as much as the petitioners have opportunity to file reply to the notices issued by respondent No. 5- Corporation.

3. The petitioners have sought directions to the respondents to decide the representation dated 23-10-2015. It appears that after filing representation within a period of nine days this petition is filed. In our opinion, reasonable time is required to be given to the authority concerned to decide the said representation.

4. In that view of the matter, we are not inclined to entertain this petition on merits. However, it will be open for the petitioners to file comprehensive reply to the notices issued by respondent No. 5 - Corporation. The learned counsel appearing for the petitioners submits that, some of the petitioners, who have not received notice till date, would also file their say before respondent No. 5 - Corporation. Be that as it may, since the petition is premature, we are not inclined to entertain the same. Hence, the writ petition stands rejected. We make it clear that we have not expressed any opinion on merits, it would be open for the petitioners to agitate all the issues raised in the writ petition before the concerned authority i.e. respondent No. 5.

Sd/-

[K. K. SONAWANE, J.]

Sd/-

[S.S. SHINDE, J.]