

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

913 WRIT PETITION NO.:13036 OF 2017

VIJAYANAND ARUN NARAGUDE
VERSUS
THE CHIEF OFFICER, MUNICIPAL COUNCIL, AHMEDPUR

WITH
WRIT PETITION NO.:13048 OF 2017

PADMAKAR NIVRATIRAO SHELKE
VERSUS
THE CHIEF OFFICER, MUNICIPAL COUNCIL, AHMEDPUR

AND
WRIT PETITION NO.:13049 OF 2017

VENKAT GANGARAM SHRIMANGALE
VERSUS
THE CHIEF OFFICER, MUNICIPAL COUNCIL, AHMEDPUR

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Advocate for Petitioners : Mr. Tukaram M. Venjane.
Advocate for Respondent : Mr. V. P. Latange.

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CORAM : **V. K. JADHAV, J.**
DATE : 21st November, 2017.

ORDER:

. By filing the affidavit in reply, Respondent / Municipal Council, Ahmedpur has submitted that by following the due process of law, the suit property has already been demolished by the Municipal Council and now the construction of shopping complex is going on. The State Government has released the funds for construction of the

shopping complex and the work of construction is also completed at plinth length.

2 The present Petitioners have instituted the suits simplicitor for perpetual injunction. Though initially their possession was protected by the Trial Court by issuing the order of temporary injunction, the learned District Judge-1, Ahmedpur by order dated 11th September, 2017, allowed the appeal preferred by the Municipal Council and quashed and set aside the order passed by the Trial Court.

3 In view of the affidavit filed by the Respondent / Municipal Council, particularly para 9 of the affidavit, the Petitioners have not filed any rejoinder disputing the said position. In view of the same, nothing survives in these writ petitions. The Petitioners are always at liberty to suitably amend the plaint seeking relief, if so desired about the dispossession, if it is not in accordance with law. All the writ petitions are accordingly disposed of.

[V. K. JADHAV, J.]

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