

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

Civil Application No. 14434 of 2017
(In Writ Petition No. 05437 of 2017)

District : Aurangabad

Moosamiya Khajamiya
& 10 others.

.. Applicants.

versus

The State of Maharashtra,
Through Department of Urban
Development, Mantralaya,
Mumbai - 32,
& 02 others.

.. Non-applicants.

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*Mrs. Vaishali A. Shinde (More), Advocate, for
applicants.*

*Mr. S.B. Joshi, Asst. Government Pleader, for
non-applicant no.01.*

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**CORAM : R.M. BORDE &
SMT. VIBHA KANKANWADI, JJ.**

DATE : 08TH DECEMBER 2017

ORAL ORDER :

01. The applicants are praying to recall the order dated 06.10.2017 by which the writ petition came to be dismissed as against respondent nos.02 and 03 due to non-supply of copies of the petition for effecting service of notice upon said respondents.

02. For the reasons set out in the application, the application deserves to be allowed. Same is accordingly allowed.

(a) The conditional order dated 06th October 2017, to the extent of the applicants, is hereby recalled and the writ petition stands restored as against respondent nos.02 and 03, on condition that the applicants shall supply copies of the petition with annexures thereto in the Registry within a period of four weeks from today.

(b) In the event, copies of the petition with annexures thereto are supplied within the stipulated period, notices of writ petition be issued to respondent nos. 02 and 03 returnable on 24th January 2018.

(c) Apart from usual mode of service, petitioners shall have liberty to serve respondent nos.02 and 03 in writ petition, by alternate mode i.e. fax, e-mail, RPAD, courier, personal service or any other legally acceptable mode and file affidavit of service in writ petition.

(d) In the event of failure to serve respondent nos.02 and 03 in the writ petition, either through court process or by alternate mode on or before 24th January 2018, the order allowing instant civil application shall be deemed to have been recalled.

(Smt. Vibha Kankanwadi)
JUDGE

(R.M. Borde)
JUDGE

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