

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

WRIT PETITION NO. 6525 OF 2017

**BALASAHEB ANANDRAO NIRMAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**...
Advocate for Petitioners : Palodkar Devdatt P.
AGP for Respondents: Mr.D.R.Kale
Advocate for Respondents : Mr.A.S.Bajaj for R.2 and 3.**

**...
CORAM : S.C.DHARMADHIKARI &
MANGESH S. PATIL,JJ.**

DATE : 19/07/2017

PER COURT :-

1] After this petition was argued for some time, and it was pointed out to Shri Palodkar that the action which is under challenge is refusal of development permission, within the meaning of Section 44 of the Maharashtra Regional and Town Planning Act, 1966 and if such refusal is traceable to Section 45 thereof, the remedy of appeal available u/s 47 of the Act is both efficacious and complete. It is not possible to ignore this remedy given the facts and circumstances and more so because of the affidavit in reply filed by planning authority. The planning authority placed before us several aspects of the matter and which raise disputed questions of fact. In such circumstances all the more, we are not inclined to interfere in writ jurisdiction. The Writ Petition is therefore, disposed of on the ground that the petitioner has an alternate equally efficacious remedy of appeal u/s 47 of the MRTP Act, 1966. Though affidavits are filed, we expressly

clarify that no opinion is rendered by this Court on the merits of the case.

(MANGESH S. PATIL,J.) (S.C.DHARMADHIKARI,J.)

umg/