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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 5544 OF 2012

Mahesh Dattatraya Padawale

...Petitioner

Vs.

The State of Maharashtra & Ors.

...Respondents

Mr. P.S. Bhavake, Advocate for the Petitioner

Mr. V.N. Sagare, AGP for the State

Mr. S.S. Aradhye, Advocate for Respondent No.5

Mr. Ajay A. Joshi, Advocate for Respondent Nos. 7 to 10

CORAM : B.R.GAVAI &

M.S. KARNIK, JJ.

DATED: 8TH AUGUST, 2017

P.C.:

1. The Petitioner has approached this Court praying for direction to Respondent No.5 Municipal Council to demolish the alleged unauthorised construction of Respondent Nos. 6 to 10.

2. In the reply filed by the Municipal Council it is categorically stated that the notice under provision of Section

53(1) of the M.R.T.P. Act is already issued to Respondent No.6 way back on 11th May 2012.

3. In the interest of justice we direct the Municipal Council to take up the proceedings initiated vide notice dated 11th May 2012 to its logical conclusion after giving opportunity of hearing to all concerned parties.

4. We make it clear that we have not considered the merits of the matter and all the contentions raised by the rival parties are kept open. The Petition is disposed of.

(M.S. KARNIK, J.)

(B.R.GAVAI, J.)