

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**C.A.W. NO.1556/2016**  
**IN**  
**WRIT PETITION NO.3911/2014 (D)**

Mehboobiya Education Society, Buldana, through its President  
..Vs..  
State of Maharashtra, Department of Town Planning, through its Secretary,  
Mantralaya, Mumbai and others

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders

Court's or Judge's orders

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Mr. P.B. Patil, Advocate for the petitioner/applicant.  
Mr. H.D. Dubey, A.G.P. for respondent Nos.1 and 2.

**CORAM : Z.A.HAQ, J.**  
**DATED : 4.1.2017.**

By this application the original petitioner is seeking clarification in the judgment delivered on 23<sup>rd</sup> June, 2016 to the effect that the petitioner will be at liberty to challenge the order issued by the Chief Officer, Municipal Council, Buldhana on 9<sup>th</sup> June, 2015 in appropriate proceedings, if required.

By the judgment given on 23<sup>rd</sup> June, 2016 the substantive prayer of the petitioner for setting aside the order passed by the Collector, Buldhana on 25<sup>th</sup> June, 2014 was not granted, consequently the claim of the petitioner for grant of permission to undertake construction on the land in question could not have been considered.

The matter is remanded with directions to the

Collector to send report and further directions to the Director of Municipal Administration to take decision as per Section 308(4) of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965. It is submitted by the learned Advocate for the petitioner that the matter is still pending.

It is clarified that the petitioner will be at liberty to challenge the decision of the Chief Officer, Municipal Council, Buldhana dated 9<sup>th</sup> June, 2015, if required. With the above clarification the civil application is **disposed of**. No costs.

JUDGE

*Tambaskar.*