

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1317 OF 2018

Santosh s/o Moreshwar Joshi
& another

Petitioners

Versus

Commissioner
Aurangabad Municipal Corporation
& others

Respondents

Mr. V.D. Sapkal, advocate for petitioner.
Mr. S.S. Tope, A.G.P. for respondents 1 and 2.
Mr. V.D. Salunke, advocate for respondent no. 3.

CORAM : R.M.BORDE &

K.K. SONAWANE, JJ.

DATE : 26th FEBRUARY, 2018

PER COURT:

1. This petition is liable to be dismissed on the ground of suppression of material facts.
2. It is disclosed by respondents that notice was issued earlier on 14.06.2001 by the Municipal Corporation informing the trustees as well as the occupants of the premises that the building which is in dilapidated condition needs to be demolished. It is further recorded in the notice that the building is rendered unfit for habitation and if no steps are taken, it is likely to come down.
3. Petitioners challenged notice dated 14.06.2001 by presenting suit bearing Regular Civil Suit No. 832/2001. Petitioners failed to secure interim order during the continuance of the suit and

ultimately, the suit came to be dismissed on account of non-prosecution. Petitioners herein also proceeded against the trust seeking order of perpetual injunction by presenting suit bearing Special Civil Suit No. 19/2017. In the said suit also, petitioners failed to secure any interim order for protecting their possession against the trust.

4. These material facts have not been stated in the petition. In this view of the matter, no relief as prayed for by the petitioners needs to be granted. Petitioners have not approached this Court with clean hands and as such, no relief as prayed for deserves to be granted. Writ petition is devoid of substance hence stands rejected.

K. K. SONAWANE
JUDGE

R.M.BORDE
JUDGE

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