

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

WRIT PETITION NO. 5384 OF 2017

Prashant S/o Parbhuappa Dama ... Petitioner

VERSUS

The State of Maharashtra & Ors. ... Respondents

.....
Ms Pradnya S Talekar, Advocate h/f Mr Sameer S Patel, Advocate for
the petitioner
Mr K. N. Lokhande, AGP for respondent/State
Mr A. S. Deshpande, Advocate for respondent No. 2
Mr S. S. Tope, Advocate for respondents No. 3 to 5
Mr D. P. Palodkar, Advocate for respondent No. 6
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**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATE : 21ST MARCH, 2018.

ORDER :

1. We have heard Ms Pradnya Talekar, learned counsel for the petitioner, learned Assistant Government Pleader for respondent No. 1, Mr A. S. Deshpande, learned Counsel for respondent No. 2, Mr S. S. Tope, learned Advocate for respondents No. 3 to 5 and Mr D. P. Palodkar, learned Advocate for respondent No. 6.
2. The affidavit is filed by respondents No. 3 to 5 suggesting that the respondent has initiated the action against respondent No. 6.

Along with the affidavit the copy of the panchanama is filed to show that the notice is given for removal of unauthorized construction and about change of user.

3. The grievance of the petitioner in the writ petition is against respondent No. 6 carrying out unauthorized construction and to stop the use of the residential premises for commercial purpose contrary to the rules.

4. The CIDCO has already handed over the charge to the corporation with regard to the writ property and the Corporation has also taken steps by issuing notice u/s 53(1) of Maharashtra Regional Town Planning Act and as submitted by the learned counsel, the action is initiated with regard to unauthorized construction and change of user. The grievance of the petitioner stands redressed.

5. It is also submitted by the learned counsel for respondent-Corporation that the further steps are being taken in accordance with law with regard to unauthorized construction and about the change of user. In view of that, no further orders are necessary in the writ petition. Needless to state that the parties have all the defences available in accordance with law.

6. Writ Petition is, accordingly, disposed of. No costs.

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde