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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10959 OF 2017

Vijay Rajeshwar Niture and Others

PETITIONERS

VERSUS

The State of Maharashtra and Others

RESPONDENTS

.....

Mr. Anand V. Patil Indrale, Advocate for the petitioners

Mr. S. P. Tiwari, AGP for respondent - State

Mr. Ajinkya S. Reddy, Advocate for respondent No. 4

.....

[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 19th SEPTEMBER, 2018

ORDER :

1. Heard Mr. Anand V. Patil, learned advocate for the petitioners and Mr. Anjinkya S. Reddy, learned advocate for respondent No. 4 - Municipal Council.

2. After hearing learned advocates for the parties at quite some length, it appears that the petitioners may have an alternate remedy available pursuant to section 318 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

3. In the circumstances, it would be appropriate that the petitioners explore such a possibility.

4. In view of aforesaid, writ petition is not being entertained and is disposed of with liberty to the petitioners to prosecute possible alternate remedy pursuant to section 318 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

5. Writ petition, accordingly, is disposed of. Interim relief hitherto operating shall continue to operate for a period of three weeks from today. Further orders in respect of granting of interim relief or not would rest with the authority.

6. It is made clear that continuation of interim relief has no reflection on the merits of the case and the authority to decide the matter on its own merits without getting influenced by continuation of interim relief by this court.

7. If it comes to condonation of delay, the duration of pendency of writ petition before this court may receive its due.

Dinesh
Ramrao
Pawar

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signed by
Dinesh
Ramrao
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Date:
2018.09.24
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[SUNIL P. DESHMUKH, J.]