

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11187 OF 2016

Samatanagar Co-operative Housing
Society Ltd. Aurangabad
Through Secretary

..PETITIONER

VERSUS

State of Maharashtra and Others

..RESPONDENTS

....

Mr. S.B. Kakde, Advocate for petitioner.

Mr. S.B. Joshi, A.G.P. for respondent – State.

Mr. S.G. Chapalgaonkar, Advocate for respondent no.3.

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CORAM : S.V. GANGAPURWALA AND
R.G. AVACHAT, JJ.

DATED : 30th NOVEMBER, 2018

ORDER :

The learned Counsel for the petitioner submits that because of the construction of concrete *bandhara* and the storage tank by Respondent no.2, water logging takes place and the members of the petitioner society have to face problems and same is creating nuisance. Out of 49 houses of the petitioner society, 8 houses are situated on the bank of natural *nala*. Because of the illegal constructions of *bandhara* and the storage tank, water logging takes place in the back water of the natural *nala*. Same is unhygienic and causing nuisance. Respondent no.3 was intimated by various representations, but no action has been taken place.

2. Mr. Chapalgaonkar, the learned Counsel appears for Respondent no.3. None appeared for Respondent no.2.

3. Considering the fact that the petitioner has approached the Municipal Corporation, it will be proper for the Municipal Corporation to take necessary steps for redressal of the grievance of the petitioner. The petitioner may file fresh comprehensive representation to Respondent no.3. Respondent no.3 shall consider the representations filed by the petitioner and take appropriate remedial measures expeditiously. Writ petition is accordingly disposed of.

(R.G. AVACHAT, J.)

(S.V. GANGAPURWALA, J.)

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