

**IN THE HIGH COURT OF JUDICATURE
AT BOMBAY**

BENCH AT AURANGABAD.

WRIT PETITION NO.15379 OF 2017

Vitthal Punjaram Zore
and others. ... Petitioners.

Versus

The State of Maharashtra
and others. ... Respondents.

...

Mrs.Pratibha Bharad, advocate for the Petitioners.
Mr.P.S.Patil, Additional Government Pleader for
the State.

...

**CORAM : S.V.GANGAPURWALA AND
ARUN M. DHAVAL, JJ.**

Date : 05.01.2018.

PER COURT :

1. Notice is issued to the petitioners that the construction carried out by the petitioners is within the prohibited distance of central line of Highway.

2. The matter would involve disputed questions of facts for which evidence will have

to be led. It would not be possible in the writ jurisdiction under Article 226 of the Constitution of India to embark upon the disputed questions of facts. The petitioners may take up appropriate proceedings in that regard.

3. For a period of seven (7) days, we grant protection to the petitioners, so as to enable the petitioners to take up appropriate proceedings. For a period of seven (7) days, the Respondents shall not act upon the impugned notice.

4. Needless to state on lapse of seven (7) days, the protection granted by this Court shall come to an end.

5. The Writ Petition is disposed of. No costs.

6. Authenticated copy be given.

(ARUN M.DHAVAL, J.)

(S.V.GANGAPURWALA, J.)

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