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

WRIT PETITION NO.3545 OF 2019

Shri. Rajendra Jankilal Sharma,
Age: 50 years, Occ: Advocate,
R/o. Gopal Nagar (Gandhi Nagar)
Behind D.L. Hindi High School,
Bhusawal, Tal. Bhusawal and
Dist. Jalgaon
Office Shivaji Nagar, Near
Post Office, Bhusawal ..PETITIONER

VERSUS

The State of Maharashtra
Through Chief Secretary
Ministry of Urban Development
Mantralay, Mumbai & ors ..RESPONDENTS

Mr Madhav V. Bhokarikar, Advocate for petitioner;
Mrs Dipali S. Jape-Ansingkar, A.G.P. for
respondents/State

**CORAM : PRASANNA B. VARALE
AND
NITIN W. SAMBRE, JJ.**

DATE : 13th MARCH, 2019

ORAL ORDER :

Heard learned Counsel appearing for the
petitioner.

2. On perusal of the material placed on

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record, we are of the clear opinion that the petitioner, with an erroneous impression, had approached this Court. The petitioner had already approached the competent Civil Court by filing the suit. Learned 2nd Joint Civil Judge, J.D. Bhusawal passed the order dated 3rd February, 2018 whereby the defendants are restrained from obstructing the plaintiff in carrying out development / demolition/construction work on the suit property and those defendants are respondents herein, in the petition.

3. It was also grievance of the petitioner that in spite of representation submitted to the authority, the authority paid no heed to the representation. This grievance is also not supported by the documents placed on record as these documents clearly show that the authority, namely, Regional Deputy Director of Town Planning on receiving application from the petitioner promptly informed District Collector his Say, as such, it is not the case that the authority paid no

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need to the representation. On the contrary, the representation of the petitioner was addressed to. The petitioner is seeking implementation of the order passed by the competent Civil Court. In effect the petitioner superficially takes out the petition for issuance of the directions.

4. This being a position, we are not at all inclined to entertain the petition or to cause any indulgence in the petition. In our opinion, the petition being meritless deserves to be dismissed and accordingly, the same is dismissed at threshold.

(NITIN W. SAMBRE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

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