

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.2959 OF 2019
(Omprakash s/o Modalal Bayad and others Vs. Ashok s/o Laxman
Vallakatti and others)
IN
WRIT PETITION NO.12168 OF 2018

Mr.P.R.Katneshwarkar h/f Mr.S.R.Andhale, Advocate for the
applicants.

Mr.S.P.Shah, Advocate for respondent Nos. 1 to 6.

Mr.K.N.Lokhande, Advocate for respondent No.7.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 18/04/2019

PER COURT :

1. The applicants are original respondent Nos. 2 to 9 who are aggrieved by the communication dated 10/01/2019 issued by the City Engineer, Ahmednagar Municipal Corporation, demanding an amount of Rs.59,000/- in connection with the building structural audit conducted by the College of Engineering, Pune. It is stated that the said amount is already deposited by the petitioners who are occupying 3 shops in the concerned building.

2. Mr.Lokhande, learned Advocate appearing on behalf of the Corporation submits that the amount has been utilized for such structural audit and the College of Engineering, Pune has already

placed it's report on record.

3. Learned Advocate for the petitioners submits that they are not liable to pay the said amount and in the event it has already been paid, the issue may be left open to be considered alongwith the writ petition for deciding as to whether the petitioner or these applicants are liable to pay the said amount.

4. In view of the above, this civil application is disposed off. The parties are at liberty to address the Court on the aspect of the payment of Rs.59,000/- as demanded by the Corporation, while conducting the writ petition.

5. Since the issue in the writ petition is with regard to whether the petitioners are entitled to an interlocutory order that the building should not be demolished, list this petition for a hearing at admission stage on 03/06/2019.

(Ravindra V.Ghuge, J.)