

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11275 OF 2019

SHAIKH FIROZ SHAIKH SHAFI
VERSUS
MUNICIPAL CORPORATION AURANGABAD THROUGH
COMMISSIONER

Mr.D.P.Palodkar, Advocate for the petitioner.
Mr.J.R.Shah, Advocate for the respondent.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 26/09/2019

PER COURT :

1. On 18/09/2019, this Court had passed the following order :-

“1. I have briefly heard the learned Advocate for the petitioner. The 4 colour photographs tendered by him are taken on record as page Nos.58 and 59.

2. Since I find that Aurangabad Municipal Corporation is the sole respondent and one of their panel advocates Mr.J.R.Shah was available, I requested Mr.Shah to take a copy of the petition paper book and collect instructions.

3. Stand over to 26/09/2019 for "passing orders".

2. Mr.Shah, learned Advocate appearing on behalf of the Corporation submits on instructions that the Corporation is initiating action against encroachment concerning the shop of the petitioner.

3. I find that since the petitioner has made an issue about adjacent shop owners, who have also caused encroachments, the Corporation should consider a policy for treating each one of them equally in Law and initiate the same action as is being initiated against the petitioner. The Municipal Corporation, Aurangabad shall initiate steps to ensure that the Law is made applicable to all citizens equally without any exception.

4. The learned Advocate for the petitioner submits that he would prefer an application to the Corporation either for re-considering the case or for regularization of the unauthorized tin shed. I find that on the one hand, the petitioner has filed a suit before the Trial Court and on the other hand, he desires to seek regularization. In my view, 2 remedies cannot be pursued and the petitioner would be at liberty to pursue a single remedy.

5. In view of the above, this petition is disposed off. If after withdrawal of the suit, an application is filed for re-consideration / regularization, the Corporation would consider the said application strictly in accordance with the rules applicable and on parity.

(Ravindra V.Ghuge, J.)