

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

**CIVIL APPLICATION STAMP NO. 17266 OF 2019
IN
WRIT PETITION NO. 6693 OF 2019**

M/s Laxmi Narsinha Construction,
Through its Proprietor
Rajesh Baburao Dole .. Applicant

Versus

The State of Maharashtra and others .. Respondents

Shri Sunil Kurundkar, Advocate for the Applicant.
Shri S. D. Ghayal, A.G.P. for the Respondent No. 1.
Shri S. S. Thombre, Advocate for the Respondent No. 3.

**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 11TH JUNE, 2019.

FINAL ORDER :

. Present civil application is tendered across the bar to the Court.

2. Mr. Thombre, the learned advocate appears for the respondent No. 3.

3. According to Mr. Kurundkar, the learned advocate for the applicant, after filing of the present petition, the respondent

authority in high handed manner has carried out illegal demolition of the compound wall. The authorities were intimated about the matter being filed and circulation granted, however, still in high handed manner, they illegally demolished the compound wall.

4. Mr. Thombre, the learned advocate submits that, the road has been cleared as such petition has become infructuous.

5. In the writ petition we have not issued notices to the parties.

6. It is trite that merits of the contentions are not required to be considered while dealing with the amendment application. Moreover, petition is at the nascent stage. The non applicants will have every opportunity to controvert the averments sought to be introduced by way of amendment by filing affidavit in reply.

7. In the light of the above, civil application is allowed to the extent of amendment as prayed. The civil application is disposed of.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]