

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

904 WRIT PETITION NO.8668 OF 2016

SHRI HANUMAN MAZOR SAHAKARI SANSTHA LTD JALNA THRO
ITS CHAIRMAN AND OTHERS ..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

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Mr. Ankush N. Nagargoje, Advocate for the
Petitioners.

Mr. S. K. Tambe, AGP for Respondents-State.

Mr. H. K. Munde, Advocate for Respondent No.5.

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**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATED : 13th FEBRUARY, 2019.

PER COURT:-

1. We have heard Mr. Nagargoje, learned counsel for petitioners, learned A.G.P. and Mr. Munde, learned counsel for Municipal Council.

2. In the affidavit filed by the Municipal Council they have disputed their liability to pay the amount. The State also has disputed its liability to pay the amount by filing separate affidavit. In the affidavit the stand of Municipal Council is that the Municipal Council had not directed the petitioners to take water from private sources. The petitioners relies on the Resolution passed by the Municipal Council dated 21.01.2016.

3. As it is a case of the disputed questions of facts, it will not be possible for this Court to enter into the investigation of disputed questions.

4. The petitioner may approach the competent Civil Court as may be permissible in law and as advised.

5. Writ Petition is disposed of. No costs

(A. M. DHAVALÉ)
JUDGE

(S. V. GANGAPURWALA)
JUDGE