

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

911 WRIT PETITION NO.12144 OF 2018

OMER FAROOQUI MUSHTAQUE FAROOQUI ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

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Mr. Sushant V. Dixit, Advocate for the Petitioner.
Mr. S. M. Ganachari, AGP for Respondents-State.
Mr. Girish K. Thigale (Naik), Advocate for
Respondent No.2.

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

DATED : 6th MARCH, 2019.

PER COURT:-

1. We have heard Mr. Dixit, learned counsel for the petitioner and Mr. Thigale, learned counsel for respondent.

2. According to the petitioner only on the ground that the petitioner could not complete the construction within the stipulated period of the permission, the impugned action has been undertaken. The petitioner had applied for extension of permission. The application was rejected without hearing the petitioner and now fresh application has been filed to that effect on 22.01.2019 and the hearing of the said application is scheduled on 19.03.2019.

3. Mr. Thigale, learned counsel submits that it is not only on the ground that the time stipulated in the permission has lapsed but on other ground also the notice is issued.

4. As it is submitted that the hearing is kept by the respondent-Municipal Council upon the application of the petitioner dated 22.01.2019 on 19.03.2019 and that it is for the authority to take decision upon it, we are not considering the matter on merits.

5. The interim orders passed in the writ petition shall continue till the decision is taken by the authority on the application of the petitioner dated 22.01.2019.

6. Writ Petition is disposed of. No costs. The petitioner also shall not make any further construction till the decision is taken on the application of the petitioner.

(A. M. DHAVALÉ)
JUDGE

(S. V. GANGAPURWALA)
JUDGE