

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

WRIT PETITION NO. 13983 OF 2019

Kesuram Gurudinomal Kathpal and Others

.. Petitioners

Versus

The State of Maharashtra and Others

.. Respondents

Mr. Shailesh P. Brahme, Advocate for Petitioners.

Mrs. P. V. Diggikar, AGP for Respondents-State.

**CORAM : S. V. GANGAPURWALA &
AVINASH G. GHAROTE, JJ.**

DATED : 20th NOVEMBER, 2019.

PER COURT:-

1. Mr. Brahme, learned counsel for the petitioners submits that the petitioners have received threats from the Deputy Commissioner that the shops should be vacated or the same would be sealed.

2. Proceeding under Section 81 (B) of the Maharashtra Provincial Municipal Corporations Act is pending. We cannot presume that the authorities would indulge in illegal act. The presumption is that the authorities perform legal acts and legal acts would be done in a proper manner. If an order under Section 81 (B) is passed against the petitioners, the petitioners have remedy of appeal before the District Judge.

3. At present, there is no notice to the petitioners for sealing the premises nor taking of any adverse action.
4. If the authorities take any step against the provisions of law, the petitioners are at liberty to approach this Court.
5. With these observations, writ petition is disposed of. No costs.

(AVINASH G. GHAROTE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

P.S.B.