

(1)

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

WRIT PETITION NO.5176 OF 2019

Shashank s/o Balkrushna Bhattad,
Age: 46 years, Occu: Business,
R/o. Plot No.36, Mitra Nagar,
behind Akashwani, Aurangabad

..PETITIONER

VERSUS

1. The State of Maharashtra,
Through Principal Secretary,
Urban Development Department,
Mantralaya, Mumbai-32
2. The Municipal Commissioner,
Municipal Corporation,
Aurangabad
3. The Incharge Officer,
Encroachment Department,
Municipal Corporation,
Aurangabad
4. The District Collector,
Aurangabad Division,
Aurangabad
5. The Executive Engineer,
World Bank Project,
Sub Division No.3,
Aurangabad
6. The Executive Engineer,
Public Works Department,
Aurangabad
7. The Town Planning Authority,
Municipal Corporation,
Aurangabad

..RESPONDENTS

Mr A. N. Kakade, Advocate for petitioner;
Mr S. S. Dande, A.G.P. for respondent Nos.1 & 4 to 6
Mr A. P. Bhandari, Advocate for respondent Nos.2, 3 & 7

(2)

**CORAM : PRASANNA B. VARALE
AND
R. G. AVACHAT, JJ.**

DATE : 5th March, 2020

ORAL ORDER:

Heard Mr Kakade, learned Counsel appearing on behalf of the petitioner, learned Asstt. Govt. Pleader for respondents/State and Mr Bhandari, learned Counsel for respondent Nos.2, 3 and 7.

2. Considering the reply filed on behalf of respondent Nos.2 and 3 – Municipal Corporation, Aurangabad, we are of the opinion that the present petition miserably fails on two counts. Firstly, all the material facts are not brought to the notice of this Court, particularly issuance of notice to the petitioner under Section 260 of the Maharashtra Municipal Corporations Act, 1949 and secondly, the issue raised in the present petition is squarely covered under the judgment and order dated 20th January, 2015, passed by the Division Bench of this Court in bunch of petitions, namely, Writ Petition No.11361 of 2014 and other petitions.

Accordingly, the present writ petition stands dismissed.

(R. G. AVACHAT, J.)

(PRASANNA B. VARALE, J.)