

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

32 CIVIL APPLICATION NO.7271 OF 2020
IN WP/9013/2018

ABHAY RASIKLAL LUNIYA AND OTHERS
VERSUS
THE AHMEDNAGAR MUNICIPAL CORPORATION THROUGH
DEPUTY COMMISSIONER AND ANOTHER

WITH CA/7359/2020 IN WP/9022/2018

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Advocate for Applicants : Mr. V. H. Dighe h/f Mr. Gaikwad S.N.
Advocate for Respondent No.1-Caveator : Mr. V. S. Bedre.
Advocate for Respondent No.2 : Mr. N. V. Gaware h/f Mr. S. P.
Salgare.

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CORAM : V. K. JADHAV, J.
DATE : 04.11.2020

PER COURT :-

1. Heard both the sides.
2. It appears that there is a permanent construction of shops over the disputed portion. The learned counsel has pointed out that initially by order dated 13.08.2018, this Court (Coram : Sunil P. Deshmukh, J.) has directed that the situation prevailing will not be altered and till then. The said order remained continued on several dates, however, meantime the said order was not continued. It thus appears that the

respondent – Municipal Corporation is now going to demolish the said permanent construction. Admittedly the said shops are constructed by the A.P.M.C. and given to the petitioners on lease basis. It appears that though the learned counsel appearing for the Corporation has sought the circulation on several dates and the circulation was granted accordingly, however, the counsel for the petitioners remained absent. Thus, considering the urgency and since the permanent construction is now going to be demolished, it would be appropriate to allow the Civil Applications in terms of prayer clause 'A'. Accordingly, the Civil Applications are allowed in terms of prayer clause 'A'.

3. List the matter for hearing on admission on 07.12.2020, in urgent category.
4. Civil Applications are accordingly disposed off.

(V. K. JADHAV, J.)

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vmk/-