

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

**114 WRIT PETITION NO. 7684 OF 2020
KHUSHALSINGH NANDKISHORE THAKUR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioners: Mr. Anil S Bajaj
AGP for Respondents No. 1 & 2: Mr. K. B. Jadhavar
Advocate for Respondent No. 3: Mr. H. K. Munde
Respondent No. 4 - served

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**CORAM: S. V. GANGAPURWALA &
SMT. VIBHA KANKANWADI, JJ.**

DATE: 01ST DECEMBER, 2020

PER COURT:

1. This Court on 23.11.2020 issued notice to the respondents. Respondent no. 4 is served as per the office endorsement. Though, respondent no. 4 / Waqf Board is served none appears for respondent no. 4.

2. Mr. Bajaj, learned Counsel for the petitioner submits that the petitioner had approached the tribunal by filing Application No. 13 of 2020 assailing the communication made by the Chief Executive Officer of Waqf Board to the Municipal Council dated 08.10.2020. The same is stayed by the tribunal under order dated 25.11.2020. The

learned Counsel submits that the said stay is still in force.

3. The learned Counsel submits that validly construction permission was granted by the Municipal Council to the petitioner. Under the impugned order; the same is stayed. The petitioner on 22.10.2020 made an application to the Chief Executive Officer of the Municipal Council for vacating the stay but the same is not considered.

4. Mr. Munde, learned Counsel appears for the Municipal Council and submits that the Chief Executive Officer of the Municipal Council would take decision on it's own merits on the application filed by the petitioner on 22.10.2020.

5. The petitioner may produce the orders passed by the tribunal before the Chief Executive Officer. The Chief Executive Officer shall consider the application filed by the petitioner dated 22.10.2020 (*Page No. 145*), and the orders, if any, passed by the tribunal, on its own merits, in accordance with law. The parties are at liberty

to represent themselves before the Chief Executive Officer. The Chief Executive Officer shall take decision upon the application filed by the petitioner for vacating the stay on it's own merits, preferably within a period of three (03) weeks.

6. Writ Petition is accordingly disposed of. No costs.

[SMT. VIBHA KANKANWADI, J.] [S. V. GANGAPURWALA, J.]

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