

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

WRIT PETITION NO. 8120 OF 2020

Sanket Dipak Raul and another

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

Mr. M. V. Salunke, Advocate h/f Mr. V. D. Salunke, Advocate for the
Petitioners.

Mr. P. S. Patil, Addl. G. P. for Respondents-State.

**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATED : 09th DECEMBER, 2020.

PER COURT:-

. The learned counsel for the petitioners submits that the petitioners are directed to remove encroachment under the impugned notice. Fourty eight hours notice is only issued. The notice further states that if within a period of 48 hours the petitioners does not remove the structure, the respondents would remove the same. According to the learned counsel for the petitioners, the structure is in existence for more than 38 years. Earlier the same was within the area of Grampanchayat. The petitioners were paying taxes.

2. The petitioners can file a civil suit. In view of that, we pass the following order.

3. The writ petition is disposed of with liberty to the petitioners to avail alternate remedy. All contentions are kept open. No costs.
4. For a period of fifteen (15) days from today, the respondent – Municipal Council shall not act upon the impugned notice dated 27.11.2020, so as to enable the petitioners to avail alternate remedy. Needless to state that, on lapse of fifteen (15) days, interim protection granted by this Court shall come to an end.
5. Parties to act on authenticate copy.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.