

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

**926 CIVIL APPLICATION NO. 1166 OF 2020
WITH
WRIT PETITION NO. 11295 OF 2019**

**PRASHANT GORAKH MALI (SONAWANE) AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Applicants : Mr. Talhar Ajay G.
AGP for Respondents No. 1 to 4 :
Mrs. V. S. Chaudhary
Advocate for Respondent No. 5 : Mr. M. R. Wagh
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**CORAM: S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATE: 06th MARCH, 2020

PER COURT:

1. Mr. Talhar, the learned counsel submits that writ petition is filed seeking directions against the respondent to complete the auction sale proceedings. Subsequent to the filing of the writ petition, the revised proposal is submitted by the society to the Commissioner on 26.08.2019. Despite the same, the Commissioner on 13.09.2019 passed the order and refused to accept the proposal for issuance of the revised approval for auction confirmation and directed the society to put the said property for re-auction by excluding the acquired area. Now, the auction proceedings are

cancelled. The petitioner is challenging the same by way of an amendment.

2. The prayers by way of an amendment would not be in furtherance of the prayers in the writ petition. The purpose of the writ petition was altogether different directing respondents to conclude the auction proceedings whereas subsequently revised proposal was given and auction proceedings are cancelled.

3. The petitioner will have every right to agitate the same in accordance with law.

4. Considering the above, we dispose of the writ petition and the civil application. The petitioner may agitate about the cancellation of the auction in fresh proceedings as are permissible. In that event, the petitioner would be entitled to raise all the grounds as raised in the present writ petition. No costs.

[SHRIKANT D. KULKARNI, J.]

[S. V. GANGAPURWALA, J.]

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