

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

903 CIVIL APPLICATION NO.15182 OF 2019
IN WP/6897/2019

JITENDRA PANDURANG PATIL
VERSUS
THE COLLECTOR NANDURBAR AND OTHERS

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Advocate for Applicants : Mr. Pawar Rahul S.

Advocate for Respondent No. 2 : Mr. Rakesh Jain h/f. Mr. D.S. Bagul

Advocate for Respondent no. 3 : Mr. Deepak Choudhary h/f. Mr. J.R. Shah

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CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.

DATE : 03/01/2020

PER COURT :

1. In fact, the present writ petition ought not to have been filed in view of the order passed in Writ Petition No.11970/2018 dated 14.02.2019 filed by the petitioner himself. In the said writ petition the following order was passed :

3. *Mr. Choudhari, learned Advocate for respondent No. 3 submits that the respondent will institute a civil suit against the Municipal Council. In case no prohibitory order is passed by the Civil Court or any other competent authority, then the respondent Municipal Council can proceed further pursuant to its notice dated 04.08.2018 in accordance with law.*

2. It is submitted by Mr. Pawar the learned counsel that when this Court had passed the order in Writ Petition No.11970/2018 the present respondent no.3 had already instituted the Civil Suit and no protection was

granted. The order passed by us on 14.02.2019 in Writ Petition No.11970/2018 is unambiguous. It has been clarified that in case no prohibitory order is passed by the Civil Court or any other competent authority and the respondent Municipal Council can proceed further pursuant to the notice dated 04.08.2018. It is for the Municipal Council to proceed further as per the provision of law. In case there are no prohibitory order. Writ petition along with civil application is disposed of.

(MANGESH S. PATIL, J.)

(S. V. GANGAPURWALA, J.)

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