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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 10098 OF 2019

Kamlakar Shankar Pawar & Anr.

...Petitioners

vs

Municipal Corporation for the city of Malegaon & Ors...Respondents.

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Mr. Sachin Dhakephalkar for the Petitioners

Mr. S.S.Patwardhan for the Respondent/ Municipal Corporation.

Ms. S.D.Vyas "B" Panel Counsel for the Respondent/State.

Mr. M.M.Sathaye i/b Mr. Sanjay P. Shinde for Respondent No.6.

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**CORAM : S. J. KATHAWALLA &
B. P. COLABAWALLA, JJ.**

DATED 14th JANUARY , 2020.

P.C. :

By the above Writ Petition the Petitioners seek following reliefs:-

- “(a) *This Court be pleased to issue writ of mandamus, or a writ, order or direction in the like nature or any other appropriate writ, order or direction thereby directing the Respondent Nos.1 to 5 to implement the notice dated 02/04/2019 issued by the Respondent No.3 i.e. Deputy Commissioner U/s 52 and 53(1) of Maharashtra Regional Town Planning Act, 1966 and further take action against the illegal construction constructed by Respondent No.6 on the suit property i.e. Final Plot No.96/A situated at Sangameshwar, Malegaon, Dist. Nashik;*
- (b) *This Court be pleased to issue writ of mandamus, or a writ, order or direction in the like nature or any other appropriate writ, order or direction, thereby directing the Respondent Nos.1 to 5 to implement the notice dated 02/04/2019 issued by the Respondent No.3 i.e. Deputy Commissioner U/Sec. 52 and 53(1) of Maharashtra Regional Town Planning Act, 1966*

and further take action against the illegal construction constructed by Respondent No.6 on the suit property i.e. Final Plot No.96/A situated at Sangameshwar, Malegaon, Dist. Nashik, pending hearing and final disposal of the present Writ Petition.”

2. We are informed that the Municipal Corporation, Malegaon has already issued a notice under Section 52 of the Maharashtra Regional Town Planning Act, 1966 to Respondent No.6. The Municipal Corporation, therefore, shall be at liberty to take further action by following due process of law. The Writ Petition is disposed of accordingly. All contentions of parties are kept open.

(B. P. COLABAWALLA, J.)

(S. J. KATHAWALLA, J.)