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

WRIT PETITION NO. 4894 OF 2017

Subhashchandra Ratilal & Ors. ...Petitioners
vs
Municipal Corporation for the city of Malegaon ...Respondent.

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Mr. M.M.Sathaye i/b Mr. Sanjay P. Shinde for the Petitioners
Mr. S.S.Patwardhan for Respondent No.1.
Ms. S.D.Vyas "B" Panel Counsel for the Respondent/State.
Mr. Sachin Dhakephalkar for Respondent Nos. 4,6 & 7.

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**CORAM : S. J. KATHAWALLA &
B. P. COLABAWALLA, JJ.**
DATED 14th JANUARY , 2020.

P.C. :

The learned Advocate appearing for the Petitioner is pressing for prayer clauses (b) and (c) in this Writ Petition which reads thus:-

- "(b) *That this Court be kindly pleased to direct the Respondent No.1 to declare that the Petrol Pump premises and Shop premises occupied by the Petitioners on the subject matter properties, as the disputed premises as per the order passed in February 2016 by the Respondent No.2;*
- (c) *That this High Court be kindly please to issue appropriate writ in the nature of Writ of Mandamus or any other writ or order in the nature of Writ of Mandamus thereby directing the Respondent No.1 Malegaon Municipal Corporation that as per the order passed by the Respondent No.2, it shall not grant any permission in respect of the Petrol Pump and shop premises occupied by the Petitioners on the subject matter property i.e. the old final plot No.98 (now merged and amalgamated into Gut No.96A) situated at*

Sangameshwar area, Sr. No.238/3, near Mosam Pool, Old Agra Road, Malegaon well within the local limits of the Respondent No.1 Malegaon Municipal Corporation.”

2. Revised building permission is already granted to Respondent No.4 on 18.8.2018. The Petitioners admit having impugned the said permission under Section 47 of the Maharashtra Regional Town Planning Act, 1966. They shall, therefore, be at liberty to ventilate their grievances in the said Appeal. In view thereof, no orders are passed in the present Writ Petition. The Writ Petition is disposed of accordingly. All contentions of parties are kept open.

(B. P. COLABAWALLA, J.)

(S. J. KATHAWALLA, J.)