

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

902 CIVIL APPLICATION NO.4276 OF 2021
IN WP/5872/2007 WITH CA/7530/2012 IN WP/5872/2007 WITH
WP/5872/2007

SWATI VILAS UBALE
VERSUS
RUMI DINSHAW PRINTER AND OTHERS

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Mr. S.P. Brahme, Advocate for the applicant.
Mr. A.P. Bhandari, Advocate for respondent No. 1.
Mr. D.G. Nagode, Advocate for respondent No. 2.
Mr. J.R. Shah, Advocate for respondent No. 4.
Smt. R.S. Kulkarni, Advocate holding for
Mr. S.D. Kulkarni, Advocate for respondent No. 7.

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CORAM : **RAVINDRA V. GHUGE AND
S.G. MEHARE, JJ.**

DATE : 03-09-2021

ORDER :

1. By this application, the applicant is praying for substitution in place of the original petitioner. It is set out in the application that the applicant has now taken over the petrol pump situated opposite the Railway Station at Aurangabad, from the original petitioner. The Writ Petition has been filed in view of the impugned notice by the Municipal Corporation directing the petitioner to remove the petrol pump from the said location on the ground of a public outcry as well as 40 metres road is proposed under the development plan.

2. The learned Advocate for the original petitioner supports the applicant in this application. The learned Advocates for the

respondents do not have an objection, only to the extent of substitution.

3. In view of the above, this application is allowed. The substitution in Writ Petition No. 5872 of 2007 be carried out within two weeks from today. Needless to state, prayer clauses 'C', 'D' and 'E' are infructuous.

4. Considering the issue involved and the anxiety expressed by the petroleum companies, list the petition for final hearing on 30th September 2021.

5. In the meanwhile, the Municipal Corporation shall place on record, through a short affidavit, a list of all petrol pumps which are close to residential areas or schools, colleges, hotels, religious establishments etc. in the municipal limits of Aurangabad. Let such affidavit be filed on or before 23rd September 2021.

6. Civil Application No. 7530 of 2012 filed by the Municipal Corporation seeking vacating of the interim relief, need not be kept pending, and therefore, stands disposed off.

(S.G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

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