

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

1015 WRIT PETITION NO.3690 OF 2020

AZIZ KHAN LAL KHAN THROUGHPOWER OF ATTORNEY ABDUL RAHIM AZIZ
KHAN
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

...

Advocate for Petitioner : Mr Patil Sandesh R.
AGP for Respondents State: Mrs. V. S. Chaudiry
Advocate for Respondent No.2 : Mr. N. R. Dayama
Advocate for respondent No.3: Mr. S.M. Naseer

CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.

DATE : 13th January, 2021

ORDER:

1. We have heard Mr.Patil, the learned counsel for the petitioners. The learned Advocate submits that the Municipal Council had issued notice to the other respondents under section 53 of the MRTP Act. No further steps are taken by the Municipal Council.
2. Learned counsel for respondent No.3 brings to the notice of the Court that civil proceedings are pending between the petitioner and respondent No.3.
3. As the civil proceedings are pending, it would be inappropriate for this Court to pass any further orders in the writ petition. The competent civil court would decide about the encroachment, ownership and all other aspects of the matter.
4. In light of that, the writ petition is disposed of.
5. It is made clear that we have not given any finding on the merits of the matter. All contentions of the parties are kept open. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V.GANGAPURWALA, J.)

JPC