

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

WRIT PETITION NO. 11087 OF 2021

Rahibai Kisan Borade
and others

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

Mr. A. G. Godhamgaonkar, Advocate for the Petitioners.
Mr. A. R. Kale, AGP for Respondent/State.

**CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATED : 05th October, 2021.

PER COURT:-

. Mr. Godhamgaonkar, learned counsel for the petitioners submits that the writ land is situated in Waluj CIDCO notified area. The Grampanchayats and other authorities have no power to issue certificates. The sale deed of small plots are executed with connivance of the authorities. The same is not permissible. The directions are also issued by the CIDCO to the Chief Executive Officer, Aurangabad to the effect that the Grampanchayats are issuing construction permissions. They do not have any authority in CIDCO notified area. In spite of the same, without permission of CIDCO the constructions are being made. The CIDCO is the planning authority. Subsequently, by notification the

said property is attached with MIDC. Without permission of the planning authority, the construction can not be carried out. The collusion is writ large. Even the authorities have taken note of it. The learned counsel submits that the civil suit pending between the parties is inter se among family members and the purchasers therein. The Government authorities and the local authorities are acting against the legal provisions and the petition is basically filed to stop the said illegal activities of the Government authorities. According to the learned counsel, this Court in writ jurisdiction under Article 226 of the Constitution of India can arrest illegal acts of the public authorities.

2. We have considered the submissions of learned counsel for the petitioners.

3. It is not disputed that the writ land is subject matter of dispute between the petitioners, their family members and subsequent purchasers in a civil suit. The Civil Court is seized with the dispute. The cloud over the title of the petitioners exist. The Civil Court would decide the said proceedings. The petitioners in the present writ petition also assails the sale deed executed in the name of respondent Nos. 19 to 21. They also challenged the sale deeds effectuated by respondent Nos. 19 to 21 of small plots. The Civil Court is seized with the matter. The petitioners would have opportunity to adduce evidence in

the pending suit. It will not be appropriate for this Court to opine on merits of the matter. The petitioners are at liberty to take appropriate steps in the pending civil suit.

4. With these observations, writ petition is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.