

(1)

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

932 WRIT PETITION NO.8067 OF 2016

**SHARAD VINAYAK KIRTIKAR
VERSUS
STATE OF MAHARASHTRA AND OTHERS**

...

Mr P. S. Patil, A.G.P. for respondent No.1;
Mr S. S. Dande, Advocate for respondent Nos.3 & 4;
Mr Shaikh Mujtaba Gulam Mustafa, Advocate for respondent
Nos.5 & 6

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

DATE : 6th October, 2021

PER COURT:

1. None for the petitioner.
2. This petition has been circulated for an urgent hearing.
3. The petitioner has put forth prayer clause (B), which reads
as under :

“(B) Issue writ of mandamus direction in the nature of writ of mandamus – directing the respondents no.1 to 4 to demolish / remove the unauthorized construction Three Floor Shopping and Cinema Complex, constructed by respondents no.5 to 8 on plot no.117,

(2)

MIDC, Waluj, Aurangabad without sanctioning Building Plan by M.I.D.C. which is danger for public.”

4. The learned Advocate for the Maharashtra Industrial Development Corporation (MIDC) submits that it has the power and authority to proceed in accordance with law and remove unauthorized construction.

5. Respondent No.6 has preferred a civil suit bearing Regular Civil Suit No. 426/2016, for challenging the notice dated 10/02/2016 and also the notice dated 09/03/2016 issued by the MIDC, calling upon him to remove the unauthorized structure, failing which, the MIDC would initiate appropriate steps and remove the said structure. It is informed that injunction was refused by the learned Trial Court and an appeal against refusal of injunction is pending before the Appellate Authority.

6. We are of the view that we need not entertain such a Writ Petition. So also, the civil proceedings have already been initiated.

(3)

7. In view of the above, this petition is disposed off. We expect the MIDC to initiate steps so as to ensure that any illegality is not perpetuated.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

sjk