IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

58 WRIT PETITION NO.1231 OF 2022

SAJIDODDIN SARFODDIN BADGUJAR
VERSUS
THE DISTRICT COLLECTOR NANDED & OTHERS
...
Advocate for the petitioner : Mr.A.V.Patil Indrale
AGP for Respondent-State : Mr.S.P.Tiwari
...
CORAM : S.V.GANGAPURWALA &
S.G.DIGE, JJ.

DATE : 24.01.2022

P.C. :

1] The application filed by the petitioner for revocation of the permission granted in favour of the present respondents is rejected. The petitioner had resorted to the remedy under Section 51 of the Maharashtra Regional and Town Planning Act.

2] We have heard Mr.A.V.Patil, learned counsel for the petitioner.

3] It appears that Civil Suit i.e. Regular Civil Suit No.38/2015 is pending between the petitioner and some persons, who are claiming to be the owners of part of the property over which construction is being made allegedly by respondent nos.5 to 7.

4] It is not disputed by the petitioner that property on which the construction is being made and the petitioner claims to be the owner, is subject matter of Regular Civil Suit No.35 of 2018. The present respondent nos.5 to 7 are not party to the suit, but original owners of some of the plots are the parties.

5] As the civil suit is already pending with regard to the same property, it would not be appropriate for this court to entertain this Writ Petition. The petitioner may claim relief in the pending suit or by filing fresh proceeding as may be permissible under law.

6] In that event, all contentions of the respective parties are kept open. Writ Petition is disposed of. No costs.

[S.G.DIGE, J.] **[S.V.GANGAPURWALA, J.]**

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