

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

910 WRIT PETITION NO.4332 OF 2022

KALPANA SHANKARRAO CHAUDHARI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Bajaj Anil S.
AGP for Respondents-State : Mr. S. K. Tambe
...

**CORAM : RAVINDRA V. GHUGE
AND
ARUN R. PEDNEKER, JJ.**

DATE : 02nd August, 2022

PER COURT :

1. We have considered the prayers put forth by the petitioner at
Clauses 'B', 'C', 'D' and 'E', which read as under :-

(B) By way of issue of writ of mandamus or any other writ or
direction in like nature, the Hon'ble Court may kindly be pleased
to direct respondent nos.1 to 4 to do all that is necessary to
undo the unauthorized development made by Respondent No.5
to 7 over plot no.8 and further take necessary action against the
respondent No.5 to 7 as provided under the provision of the
MRTP Act.

(C) By way of issue of writ of Mandamus or any other writ or
direction in like nature, the Hon'ble Court may kindly be pleased
to direct respondent nos.1 to 4 to do all that is necessary to

discontinue the Gymnasium carried on Plot No.8 in residential Plot by respondent No.5 to 7.

(D) Pending hearing and final disposal of this writ petition, the respondent nos.1 to 4 may kindly be directed to take action under the provisions of Maharashtra Regional and Town Planning Act, and as per the notice dated 22.12.2020 issued by respondent no.3 thereby directing the respondent No.1 to 4 to demolish the unauthorized development on Plot No.8.

(E) Pending hearing and final disposal of this writ petition be pleased to direct the respondent No.1 to 6 to immediately stop the Gymnasium activity carried on the plot No.8 and respondent no.1 to 6 to ensure the compliance of the aforesaid direction.

2. Considering the prayers and the disputed issues that are set out in the pleadings, we find it inappropriate to exercise our writ jurisdiction. Instead, we would permit the petitioner and her neighbours residing in Ayodhya Nagar, Jalna, to submit a comprehensive representation to the Chief Officer, Municipal Council, Jalna, within a period of four weeks.

3. After such representation is filed, we would expect the Chief Officer, Municipal Council, Jalna, to consider the contents of the representation and in the event of any glaring instances of illegalities

with regard to erection of shops or constructions, the said authority would deal with such aspects by following the due procedure laid down in law. We expect the Chief Officer to respond to the representation expeditiously and preferably within a period of 90 days from today.

4. In view of the above, this petition is disposed off.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)

vjg/-.