

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

916 WRIT PETITION NO.5274 OF 2022

NISAR MOHIYODDIN AHMED MOHIYODDIN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Mohammad Waseemullah
AGP for Respondents-State : Mr. S. G. Sangle
...

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

DATE : 02nd August, 2022

PER COURT :

1. Leave to add the Aurangabad Municipal Corporation as respondent No.6. Addition be carried out forthwith.

2. The petitioner has put forth prayer Clauses 'B', 'C', 'D' and 'E' as under :-

(B) Be pleased to direct the authorities Aurangabad Municipal Corporation to file criminal and civil cases against the respondent No.5 and 6.

(C) Be pleased to direct the authorities Aurangabad Municipal Corporation to demolish the unauthorized construction carried by the respondent No.5 and 6.

(D) Be pleased to direct the authority Aurangabad Municipal Corporation to initiate inquiry against the persons who were hand in gloves with the construction work.

(E) Be pleased to direct the authority Aurangabad Municipal Corporation to consider the complaints filed by the petitioner on its own merits and take appropriate action against the respondent No.5 and 6.

3. Apparently, the petitioner has a grievance that the school has been illegally constructed.

4. Considering the cause put forth and the issue involved, we find that several disputed factors would crop up in view of the claim that the permission was illegally granted, the same was subsequently stayed, the construction still continued, etc.

5. The learned Advocate for the petitioner submits that his pending complaints before the Corporation may be considered. Such complaints are at page Nos.16 and 25 to 31, are cited.

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

7. Let the Municipal Corporation deal with the said complaints strictly in accordance with the Law as is applicable. We make it

clear that since a personal issue as regards encroachment is being raised, if the petitioner's grievance is not redressed, he would be at liberty to approach the Civil Court, by filing a civil suit.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)

vjg/-.