

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

902 WRIT PETITION NO.5114 OF 2022

SNEHLATA VILAS GAIKWAD AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Wakure Sanjay A
AGP for Respondents/State :Mr. K. N. Lokhande

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**CORAM : R. D. DHANUKA &
ANIL L. PANSARE, JJ.**

DATED : 07/06/2022.

PER COURT :

1. By this petition filed under Article 226 of the Constitution of India, the petitioners pray for writ of certiorari to quash and set aside the impugned order dated 18th November 2021 passed by the respondent No. 2 refusing to grant construction permission on the ground that the suit filed by respondent No. 3 bearing R.C.S. No. 1466/2019 is pending before the learned Civil Judge, Senior Division, Osmanabad inter-alia praying for declaration that respondent No. 3 is owner and he is in possession of the suit land.

2. The title in respect of the suit property for which the construction permission is sought is subject matter of the said suit.

3. We do not find any infirmity in the order passed by respondent No. 2/ Chief Executive Officer, Osmanabad. Writ petition is

accordingly dismissed.

4. The petitioners would be at liberty to pray for early hearing of the said suit before the learned Civil Judge, Senior Division, Osmanabad. When such application is made, the learned Civil Judge, Senior Division, Osmanabad shall consider such application on its own merits.

[ANIL L. PANSARE, J.]

[R. D. DHANUKA, J.]

ssc/