

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

20 WRIT PETITION NO.7609 OF 2022

THE NANDED TOWN MARKET AREA HOUSING BUILDING
CO-OPERATIVE SOCIETY LTD. THR ITS CHAIRMAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. S.G. Rudrawar
AGP for Respondents State: Mrs M. A. Deshpande
Advocate for Respondent No.2 : Mr. R. K. Ingole

**CORAM : MANGESH S. PATIL &
Y. G. KHOBRAGADE, JJ.**
DATE : 05.12.2022

ORDER:

1. Heard.
2. The petitioner is seeking removal of encroachment carried out by respondent No.3 to whom, even notice has been issued by respondent No.2-Commissioner of the Municipal Corporation.
3. The learned advocate for respondent No.2-Corporation, referring to his affidavit-in-reply, submits that steps were being taken for removal of encroachment by issuing notice under sections 53 and 54 of the Maharashtra Regional and Town Planning Act, 1966, however, because of the temporary injunction granted by the Civil Court in a suit instituted by respondent No.3, respondent No.2 has not been able to take further steps for removal of encroachment pursuant to the notices.

He submits that the respondent-Corporation would take appropriate decision depending upon the fate of the suit.

4. The learned advocate for the petitioner, in view of the above state of affairs, on instructions, seeks leave to withdraw the writ petition with liberty to approach the court again for the same relief, depending upon the decision by the civil court.

5. Writ petition is disposed of as withdrawn with the liberty as prayed for.

(Y. G. KHOBRAGADE, J.)

(MANGESH S. PATIL, J.)

JPChavan