

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

907 WRIT PETITION NO.7595 OF 2022

**ASHA UTTAM BINWADE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS CHIEF
SECRETARY AND OTHERS**

...

Advocate for Petitioner: Mr. Bade Patil K. D.
AGP for Respondent/State: Mr. S. K. Tambe
Advocate for Respondent Nos.2 to 6:
Mr. S. B. Deshpande
Advocate for Respondent No.7: Mr. D. P. Palodkar

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

DATE: 12th AUGUST, 2022

PER COURT:

1. The Petitioner has put-forth prayer
clause 'B' and 'C', as under:-

"B] The writ of mandamus or any
other writ in like nature to direct the
respondent No.5 to enforce their powers
under section 53 to 57 of Maharashtra
Regional and Town Planning Act, 1966 to
demolish unauthorised construction done
by Respondent No.7 as detailed in the

Panchanama and Notice u/s 53(1) dt. 05.04.2022 given by the Municipal Authorities.

C] During the pendency and final disposal of present writ petition to direct the respondent No.5 to enforce their powers under section 53 to 57 of Maharashtra Regional and Town Planning Act, 1966 to demolish unauthorised construction done by Respondent no. 7 as detailed in the Panchanama and Notice u/s 53(1) dt. 05.04.2022 given by the Municipal Authorities forthwith."

2. It is brought to our notice by Advocate Palodkar, that the Petitioner has earlier filed a Writ Petition bearing No.2135 of 2021, in which a connected issue with regard to the same land Gut Nos.103 and 105 of village Devlai, Gut No.36/2, is raised. Advocate Palodkar submits that Respondent No.7 has already applied for a building permission.

3. We had requested Shri Deshpande, learned Advocate to assist the Court, since he appears on behalf of the Aurangabad Municipal Corporation, vide our order dated 10.08.2022. Shri Deshpande, submits on instructions that the Aurangabad Municipal Corporation will look into the objections raised by the Petitioner as well as the claims of all stakeholders including Respondent No.7, strictly in accordance with the law applicable. It is also stated that the procedure laid down in law would be followed scrupulously.

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

5. The Aurangabad Municipal Corporation would consider the dispute raised in this Writ Petition by following the due procedure laid down in law, on or before 15.10.2022.