

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

939 WRIT PETITION NO.12854 OF 2022

PRASAD NEMICHANDJI PATNI
VERSUS
THE COMMISSIONER AURANGABAD AND OTHERS

...
Advocate for Petitioners : Mr. Jain Rakesh Nemichandji
...

**CORAM : MANGESH S. PATIL &
Y.G. KHOBRAGADE, JJ.
DATE : 15-12-2022**

PC. :-

The petitioner who has been served with a notice under Section 53(1) of the Maharashtra Regional and Town Planning Act, 1966 is approaching us seeking a writ of *Mandamus* against the corporation and the officers.

2. The notice specifically indicates and gives particulars about the objectionable construction carried out by the petitioner. The petition is absolutely silent as to if these allegations in the notice are factually incorrect. When we called upon the petitioner's advocate to ascertain as to whether the petitioner is ready to vouch about the construction having been carried out strictly in accordance with the building permission nothing is coming forth.

Considering the fact that even a remedy under Section 44 of the MRTP Act is available to the petitioner, we are not inclined to entertain the petition. The writ petition is dismissed in *limine*.

[Y.G. KHOBRADE, J.]

[MANGESH S. PATIL, J.]