

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 481 OF 2022

1. Nazar Hussain Abdul Latif,
aged about 59 years, Occ. - Business.
 2. Shyam Ambadas Dandgavhal (Sonar)
aged about 56 years, Occ – Business.
 3. Anwar Husain Abdul Latif,
aged about 48 years, Occ – Business
 4. Tulshiram Vishwanath Nerkar,
aged about 64 years, Occ – Business
 5. Megha Tulshiram Nerkar,
Aged about 61 years, Occ – Business
 6. Kishor Vishwanath Nerkar,
aged about 62 years, Occ – Business
 7. Abdul Kayyum Abdul Khalik,
aged about 58 years, Occ – Business
 8. Vishnu Pannalal Varma,
aged about 48 years, Occ – Business
 9. Shantilal Deoji Lodhiya (Soni),
Aged About 70 years
 10. Haridas Meghji Lodhiya (Soni),
aged about 70 years, Occ – Business
 11. Dinesh Ramniklal Lodhiya (Soni),
aged about 38 years, Occ – Business
 12. Hemant Rajendra Sharma,
aged about 35 years, Occ – Business
 13. Omprakash Rameshwarlal Khundaniya,
aged about 72 years, Occ – Business
- All R/o. Sarafa Bazar Akola, Tq. And Dist.
Akola – 444 001

.... **PETITIONERS**// **VERSUS** //

1. Khan Bahaddur Mohammad Mobin
Ahmad s/o Mohammad Daudkhan, aged
about 77 years, Occ – Business
2. Khan Mohammad Anik Ahmad s/o
Mohamad Daud Khan, aged Adult, Occ –
Business

Respondent Nos. 1 & 2 R/o. Amaniya
Manzil Kothadi Bazar, Tajnapeth, Akola,
Tq. And Distt. Akola – 444 001

3. Mohammad Iliyas Ahmad Khan s/o.
Mohammad Suleman Khan, aged adult,
Occ – Business
4. Mohammad Mushtak Ahmad Khan s/o
Mohammad Irfan Khan, aged adult, occ.
Business.

Respondent Nos. 3 & 4 R/o. Amankha Plot, Akola,
Tq. Akola, Distt. Akola–444 001

5. Aminur Raheman Khan s/o Abdul
Raheman Khan, aged Adult, Occ. -
Business, R/o. Mohammad Ali Road,
Akola, Tq. Akola, Distt. Akola 444001
6. Akola Municipal Corporation, Akola,
through its Commissioner, Akola, Tq.
Akola, Distt. Akola – 444 001
7. Zonal Officer, North Zone, Akola
Municipal Corporation, Akola, Tq. Akola,
Dist. Akola 444 011
8. Khan Bahaddur Mohammad Aman Khan
S/o. Mohammad Salim Khan Saudagar
Waqf Alal-Aulad, Kothadi Bazar, Akola,
Tq. Akola, Distt. Akola – 444 001

.... **RESPONDENTS**

Shri Anand Parchure, Advocate for the petitioners.
Shri M.S. Sarda, Advocate for the respondent nos. 1 to 4 and 8.

CORAM : ROHIT B. DEO, J.
DATED : 01/02/2022.

ORAL JUDGMENT :

Hearing was conducted through Video Conferencing.

2. The petitioners are the plaintiffs who are denied injunctive relief by the learned Trial Judge and then by the learned Appellate Judge.
3. In brief, the plaintiffs claim to be tenants and allege that the action of proposed demolition of the building is engineered by the landlord with the assistance of the Municipal authorities.
4. During the course of hearing, certain issues arose, which need not be touched lest any observation causes any prejudice to any party.
5. Learned Counsel for the petitioners – plaintiffs Shri Anand Parchure submits that the petitioners shall withdraw this petition and examine whether the suit can be proceeded with or there is other or further remedy which can be availed, more appropriately.
6. Shri Anand Parchure further submits that there is ad-interim order operating, which may be continued for two weeks to enable the

petitioners-plaintiffs to do the needful. While Shri M.S. Sarda who appears on behalf of the contesting private respondents opposes the continuation of the interim order, in my considered view the same can be continued for two weeks to enable the plaintiffs to take appropriate decision.

7. The petition is disposed of as withdrawn with liberty to continue with the suit or to avail such other remedy as may be advised. The interim order granted by the learned Appellate Judge shall continue to operate for the next two weeks.

8. The petition is disposed of in the afore-stated terms.

JUDGE

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