

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

37 WRIT PETITION NO.1185 OF 2023

YUNUUSKHA MAHEMUDKHA GOLANDAJ AND OTHERS
VERSUS
THE MUNICIPAL COUNCIL THROUGH ITS CHIEF OFFICER

Mr. Mukul Kulkarni h/f. Mr. Shrikant B. Madde, Advocate for the
Petitioners.

Mr. Vijay P. Latange, Advocate for the Respondent-sole.

CORAM : SHARMILA U. DESHMUKH, J.
DATED : JANUARY 31, 2023.

PER COURT :

1. After arguing for sometime, when this Court was not inclined to allow the petition, the learned counsel for the Petitioners on instructions seeks permission to withdraw the writ petition. It is pointed out by the learned counsel for the Petitioners that by a communication dated 17th January, 2023, the Municipal Council has sought police protection on 21st January, 2023 for evicting the petitioners. As such, he would submit that he will move the Trial Court in RCS No.1091 of 2022 for appropriate relief and prays that he be protected for only a period of one week.

2. Learned counsel for the Respondent vehemently opposed the petition and submits that in event, stay is granted by this Court it would result in protracting the proceedings before the

Trial Court. Considering the fact that the police aid has been sought on 21st January, 2023 and the same has not been acted upon till today, in my opinion, it is in the interest of justice that the petitioners be protected from eviction by seeking the police aid for a period of one week. Within a period of one week from today, the petitioners would approach the trial Court by taking out an appropriate application and seek necessary relief. Insofar as the communication dated 17th January, 2023, seeking police aid for eviction is concerned, the application, if any, filed by the petitioners is to be decided by the Trial Court within a period of two weeks thereafter.

3. It is made clear that the protection by this Court is not to be construed as the stay to the grant of police aid. The Trial Court is to decide the application on its own merit and not influenced by the fact that the protection is granted for a period of one week by this Court.

4. Writ Petition stands dismissed in the above terms.

(SHARMILA U. DESHMUKH, J.)