

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.4274 OF 2023**

UMAKANT PANDITRAO BIRADAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH PRINCIPAL
SECRETARY AND OTHERS

...

Smt. Anjali Dube, Advocate for the Petitioners.

Mr. S. B. Pulkundwar, AGP for Respondents-State.

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**CORAM : NITIN W. SAMBRE AND
S. G. CHAPALGAONKAR, JJ.**

DATE : 17th APRIL, 2023.

P.C:-

1. The contentions of the learned counsel for the petitioners are respondent no.4 in violation of the Building Control Regulations has started development of the adjoining property thereby causing serious prejudice to the petitioners.

2. In the aforesaid background, it is prayed that the construction permission granted in favour of respondent no.4 be stayed, as according to the petitioners the representation to that effect is already pending.

3. In our opinion, the petitioners under Article 226 of the Constitution of India by invoking Writ jurisdiction of this Court are not entitled for such relief. The relief can be claimed before the competent Civil Court by initiating suit proceedings.

4. However, having regard to the fact that the petitioners' representation is pending before respondent no.2-

Municipal Commissioner, Latur, we deem it appropriate to direct the petitioners to appear before the Municipal Commissioner, Latur based on their representation dated 24th March, 2023 between 24th to 28th April, 2023. We direct the respondent no.2-Commissioner to pass appropriate order on it's own merits in the matter and communicate the same to the petitioners.

5. Writ Petition is disposed of with liberty to the petitioners, if so required, to approach before the Civil Court.

(S. G. CHAPALGAONKAR)
JUDGE

(NITIN W. SAMBRE)
JUDGE