

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

WRIT PETITION NO.2746 OF 2022

DNYANDEO PIRAJI SURVASE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Sambhaji S. Tope
AGP for Respondent State/Authorities: Mr. A.R. Kale.
Advocate for respondent No.7 : Mr. S.G. Kawade,
Advocate for respondent Nos. 8,9,11,14,15,16,18,20,21,
31, 32 and 33 : Mr. R.R., Chandak.

With

WRIT PETITION NO. 4893 OF 2023

SHAIKH YOUNUS SHAIKU MUSA AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS.

...

Advocate for petitioners : Mr. S.S. Thombre.
AGP for respondent State/ Authorities : Mr. S.B. Yawalkar.
Advocate for respondent No.3 : Mr. S.G. Kawade.

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

DATE : 26th APRIL, 2023

P.C.:-

In Writ Petition No. 4893 of 2023, the petitioners are claiming to be occupiers of respective shop premises in relation to which respondent No.3 Nagar Panchayat has issued notice of demolition. According to petitioners, as they are occupying the said premises since

long, they are entitled for protection.

2. Mr. Thombre, advocate for petitioners submits that, today morning, the the entire structure of the shop premises are demolished and the petitioners intend to take recourse to the other remedies viz. seeking restoration of possession and damages. However, in response to court's query, Mr. Thombre made a motion for withdrawal of writ petition with liberty to avail alternate remedy. Writ petition is disposed of as withdrawn. However, petitioners shall be at liberty to move afresh before this court seeking relief of restoration of possession and damages.

3. So far as W.P. No. 2746 of 2022 is concerned, in view of the order passed in W.P. No. 4983 of 217, viz, action taken by respondent No.7 of demolition of illegal structures, nothing survives in the petition. Same stands disposed.

[S.G. CHAPALGAONKAR]
JUDGE

[NITIN W. SAMBRE]
JUDGE

grt/-