

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

WRIT PETITION NO.9138 OF 2023

**LAXMAN NARSAYYA BURA
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Mr. A. D. Wange, Advocate for Petitioner
Mr. S. B. Yawalkar, AGP for Respondent – State
Mr. K. N. Lokhande, Advocate for Respondent No.2
Mr. S. S. Jadhavar, Advocate for Respondent Nos. 3 and 5

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**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 01.08.2023

PER COURT :-

1. The Petitioner prays that the illegal construction in an open space should be demolished by the Municipal Corporation.

2. The learned Advocate representing the Municipal Corporation and the learned Advocate representing Respondent Nos. 3 and 5, submit that an appeal has been preferred by the society, which is alleged to have resorted to an unauthorised construction, on 05.02.2020, before the competent

authority/Urban Development, Mantralaya (Minister for State), wherein the said society is challenging the proposed action by the Municipal Corporation.

3. In view of the above, we cannot entertain this petition as an appeal is pending. **This writ petition is therefore disposed off** with a direction to Respondent No.1 to decide the pending appeal by following the due procedure laid down in law, within ninety (90) days from today.

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]

SMS