

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

69 WRIT PETITION NO.9001 OF 2022

**SANTOSH UMAKANT MAJAGE
VERSUS
KANTAPRASAD GOKULDAS KHANDELWAL AND ANOTHER**

...

Advocate for Petitioner : Mr. N.D. Kendre
Advocate for Respondent No.1 : Mr. R.P. Adgaonkar
Advocate for Respondent No.2 : Mr. H.V. Patil

...

CORAM : SHARMILA U. DESHMUKH, J.

DATE : 17-01-2023

PER COURT :

. The petitioner is aggrieved by the order of the trial Court dated 16.07.2022 restraining the petitioner from carrying out construction on 7 feet width east-west lane situated towards northern side of the plot purchased by the petitioner.

2. Heard the learned Counsel for the petitioner.

3. The learned counsel for the petitioner submits that he is not carrying out any construction on the 7 feet east-west lane and construction which is being carried out is only on the portion of the property admeasuring 40 ft. x15 ft. in respect of which he is the owner.

4. Considering the fact that no construction has been

proposed on 7 feet width east-west lane, in my opinion, writ petition can be disposed of by clarifying that the petitioner will carry out the construction only on his plot admeasuring 40 ft. x 15 ft. and as per the approved plan of the Town Planning Municipal Corporation, Latur.

5. Liberty to the respondents to apply in event the petitioner commences construction on 7 feet width east-west lane.

6. Writ petition is accordingly disposed of.

(SHARMILA U. DESHMUKH, J.)

GGP