

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

12 WRIT PETITION NO.12620 OF 2023

SNEHAL DEVELOPERS THROUGH SMT YASHODA DNYANESHWAR
SHINDE AND ANOTHER
VERSUS

THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS
WITH

WRIT PETITION NO. 12621 OF 2023

BHAUSAHEB DADARAO POPHALE AND OTHERS
VERSUS

THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS

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Mr. D. S. Bagul, Advocate for Petitioners

Mr. P. K. Lakhotiya, AGP for Respondents -State

Mr. Sachin Deshmukh, Advocate for Respondent No.5

Mr. Mahesh Deshmukh u/for Mr. U. L. Momale, Advocate for
Respondent No.7

CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRAGADE, JJ.

DATE : 4th December, 2023

ORDER:

1. Since the learned Advocate Shri A.B. Girase has been appointed as a Government Pleader at the Aurangabad Bench, he has withdrawn his appearance and Shri D.S. Bagul has caused his appearance on behalf of the Petitioners. The appearance of Shri Girase is, therefore, discharged.

2. We have considered the brief submissions of the learned Advocates for the respective sides.

3. There are a few disputed issues involved in this matter. We are told that the Petitioners in the second Petition have already availed a remedy of filing a Civil Suit. In the first Petition, we are informed that a statutory appeal is pending before Respondent No.1- State of Maharashtra, Urban Development Department, the portfolio being with the Hon'ble Chief Minister.

4. The learned Advocate for the Petitioners has pointed out that the CIDCO has been time and again issuing notices to Respondent Nos. 7 and 8 to remove the obstructions in the nature of a wall which has been constructed across a concrete road.

5. Since the matter is pending before Respondent No.1, we would only direct that the said proceedings be concluded by following the due procedure laid down in law within a period of 60 days from today. All the stakeholders would be granted an opportunity of representing their cause before Respondent No.1 in accordance with the prescribed Rules.

6. In view of the above, **these Petitions are disposed off.**

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan