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

919 WRIT PETITION NO.14611 OF 2021

**JAGDISH NATVARLAL THAKKAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS**

....

Mr Dhananjay Mane, Advocate h/f Mr S. S. Bhise, Advocate for
Petitioner;

Mr S. W. Munde, A.G.P. for Respondent No.1

Mrs Asha D. Rakh, Advocate for Respondent Nos.4 & 5

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

DATE : 15th June, 2023

PER COURT:

1. By an order dated 22/12/2022, this Court had recorded the submissions of the Petitioner in paragraph Nos. 2 to 6, as under :-

“2. The petitioner is issued with notice to remove the construction on the ground that it is in dilapidated condition and it is about 60 to 70 years old.

3. The learned counsel submits that civil suit is filed by the petitioner against one Parvati. Respondent No. 3 under political pressure of Secretary of Jalna District Congress Committee has issued the notice. The learned counsel submits that the petitioner has got structural stability

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certificate from the approved Engineer and he has submitted the structure is in perfectly habitable condition.

4. Issue notice to respondents, returnable on 10-01-2022. The learned AGP waives service of notice for respondent No. 1.

6. Till then, status-quo as on today be maintained.”

2. By an order dated 17/04/2023, this Court had noted the report of the structural audit conducted by the statutory authority, dated 08/09/2021. The report indicates that the old house is in a dilapidated condition. The year of construction is 1959. It is not an R.C.C. structure. Major portion of the structure is dilapidated and not in use. Some portion of the structure is used for residential purpose. One shop is recently constructed in the dilapidated area.

3. We find that the Petitioner has already resorted to proceedings before the learned Civil Court by instituting Regular Civil Suit No.54/2015 and an interim order dated 02/12/2021 has also been passed in favour of the Petitioner.

4. There cannot be two parallel proceedings in the same cause. So also, if there is an injunction operating against the

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defendants, the District administration should abide by the orders, which are passed by the competent Civil Court.

5. In view of the above, the impugned notice dated 07/12/2021 shall be kept in abeyance until the Civil Court passes further orders. We, however, record that the Petitioner is residing in the said structure at his own risk. God forbid, in the event any untoward incident occurs, the Petitioner submits that he alone would be wholly and solely held responsible for the effects of such untoward incident and nobody else, not even the District Administration, should be held responsible.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk