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

909 WRIT PETITION NO.13944 OF 2023

**SUNIL GANGADHAR WAGHMODE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS**

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Mr N. B. Narwade, Advocate for Petitioners;
Mr P. K. Lakhotiya, A.G.P. for Respondent No.1
Mr S. S. Tope, Advocate for Respondent Nos.2 to 4

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

DATE : 3rd November, 2023

PER COURT:

1. Considering the law laid down in **Sopan Maruti Thopte and another Vs. Pune Municipal Corporation and others, AIR 1996 Bombay 304**, we expressed our disinclination.

2. The only issue raised by the Petitioners is that, after the Petitioners have tendered their say on 12/10/2023 with supporting documents, the Municipal Corporation has proceeded to issue the impugned notice dated 30/10/2023, seeking demolition of the illegal structure.

3. The learned Advocate for the Corporation submits that, as a reply with documents is tendered to the Corporation, the due procedure of the law would be followed and an order would be passed. Needless to state, if the law permits a personal hearing, only then a personal hearing would be granted.

4. In view of the above statement, **this Writ Petition is disposed off.** We make it clear that, if the Petitioners are aggrieved by an order, that the Corporation would pass after considering their reply, they would avail the statutory remedy, rather than directly approaching this Court in its writ jurisdiction. We also make it clear that the Corporation would consider only the issue, which is subject matter of the notice, since a suit is already pending before the Competent Court on some other issues.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

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