



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

58 WRIT PETITION NO. 15436 OF 2023

CHARANSINGH SHAMSING AKHBARWALE DIED THR LRS SARDAR
MANDEEPSINGH CHARANSINGH AKHBARWALE AND OTHERS

....Petitioner

VERSUS

THE STATE OF MAHARASHTRA
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS

.....Respondent

...

Advocate for Petitioner : Mr. Katneshwarkar P R

AGP for Respondents/State : Mr. S.K. Tambe

Advocate for R/2 to 4 : Mr. R.K. Ingole

...

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

DATE : 18th December, 2023

PC. :-

1. Heard the learned advocates on behalf of the litigating parties. A substantive appeal of the Petitioner under Section 47 of the M.R.T.P. Act dated 11.09.2023 is pending before Respondent No.1. It is prayed that on the one hand, Respondent No.1 is not deciding the appeal and on the other hand, the Municipal Corporation has issued the impugned notice directing the Petitioner to remove purported illegal construction. The learned advocate for the Petitioner makes a statement on instructions that the Petitioner was permitted

to construct up to the second floor and the said construction has been completed.

2. In view of the above, we direct Respondent No.1 to decide the pending proceedings initiated by the Petitioner along with a stay application, dated 01.11.2023, as expeditiously as possible and within a period of 90 days from today. All the stake holders shall be given an opportunity of hearing and thereafter, a reasoned order would be passed. Consequentially, the impugned notice dated 30.11.2023 shall be kept in abeyance. The Petitioner is at liberty to amend the proceedings before Respondent No.1 for assailing the notice dated 30.11.2023.

3. With the above directions, **Writ Petition is disposed off.**

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]

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