

SA Pathan

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.10606 OF 2023

SHABNOOR
AYUB
PATHAN

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Hamida Nabilal Mulla

... Petitioner

V/s.

Grampanchayat Hanjagi Tal Akkalkot &
Anr.

... Respondents

Mr. Ashok B Tajane i/by Mrs. Kavita P Shinde, for the
Petitioner.

Mr. Pradeep Salgar, for the Respondent.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 31, 2023

P.C.:

1. On the last occasion, the petitioner was present in the Court. Since, the issue is in relation to legality of structure which according to village Panchayat was without permission, the petitioner filed an undertaking on 28 August 2023, stating that she will apply before the authority within two weeks from date of affidavit, in case request for regularization/alteration is rejected, she will remove the construction. The undertaking was notarized on 28 August 2023 and filed in this Court. The undertaking is on record.

2. Now learned Advocate for the petitioner states that the petitioner is disowning the undertaking. Therefore, the matter is

required to be decided on merits.

3. On perusal of the impugned order, the petitioner is unable to show the permission for construction of the structure. In absence of such permission, the Courts below were justified in dismissing the applications were temporary injunction filed by the petitioner.

4. There is no merits, the writ petition is, therefore, dismissed.

(AMIT BORKAR, J.)