



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

WRIT PETITION NO. 87 OF 2024

**RATAN BHAUSAHEB KANADE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS**

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Mr. R. G. Hange, Advocate for Petitioners
Mr. R. S. Wani, AGP for Respondent – State
Mr. K. N. Lokhande, Advocate for Respondent Nos. 2 and 3

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

DATE : 11.01.2024

PER COURT :-

1. The two private individual Petitioners before us desire that, action be taken against four private individuals and a public trust for committing unauthorized construction. Petitioner No.1 is the biological brother of the President of Respondent No.6 trust. Petitioner No.2 is the son of Petitioner No.1. Respondent Nos. 4, 5 and 7 are cousin brothers of the Petitioners. There seems to be a bitter family dispute going on.

2. The learned Advocate representing the Municipal Corporation submits that no complaint pertaining to any illegal construction by any of the individual respondents, has been tendered to the Corporation. A complaint which was tendered, was under the Right of Children to Free and Compulsory Education (RTE) Act, 2009. The Corporation conducted a brief inquiry and submitted a report to the Education Officer (Primary), Zilla Parishad, Ahmednagar, indicating that the school is not operated within the framework of the RTE Act. The Petitioners contend that they have made a complaint to the Corporation regarding the illegal construction.

3. If the Petitioners have any grievance as regards the private construction carried out by private individuals, they are at liberty to approach the Civil Court by filing a civil suit for appropriate orders and relief. All contentions of all the litigating parties are kept open on all counts.

4. Therefore, we are not inclined to entertain this Petition considering the seriously disputed questions. **The Petition is disposed off.**

[Y. G. KHOBRADE, J.]
SMS

[RAVINDRA V. GHUGE, J.]