



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO. 263 OF 2024

(Abdul Mannan Shah Mohammad ..vs.. Municipal Council, through CEO, Digras)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S.D. Chopde, Counsel for the petitioner.

**CORAM : NITIN W. SAMBRE &
ABHAY J. MANTRI, JJ.**

DATED : 16-02-2024

Heard.

2. The prayer of the petitioner is for declaration that the action of the respondent-Municipal Council in demolishing structure of the petitioner is illegal and bad in law though same was authorised.

3. When confronted, in support of the aforesaid, the learned Counsel for the petitioner is unable to demonstrate from the record the sanction accorded to the alleged structure of the petitioner which was demolished by the Municipal Council. Once there is no sanction, there is no question of considering the other reliefs claimed in the petition for awarding damages.

4. Accordingly, the writ petition is sans merit and is dismissed.

5. However, it shall be open for the petitioner to approach before the respondent-Municipal Council for permission to operate his business in terms of the Certificate dated 27th October, 1994 (Annexure-B to the petition).

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

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