



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7610 OF 2025

ASHOK SHALIKRAM JAISWAL

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE DISTRICT
COLLECTOR AND ANOTHER

...

Advocate for the Petitioner : Mr. Hemant S. Surve

GP for Respondent No. 1-State : Mr. A. B. Girase

Advocate for Respondent No. 2 : Mr. S. S. Tope and S. P. Urgunde

...

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

Dated : June 27, 2025

PER COURT :-

1. The learned Advocate for the Petitioner turns to page 12 of the paper-book which a 7/12 extract. The learned Advocates for the Corporation submit that a 7/12 extract is only for fiscal purposes and does not crystallize any title. He is right in his submissions.

2. The learned Advocate for the Petitioner refers to Page 13 of the Paper-book contending that it is a Construction Permission dated 22.02.2018 and the map appended thereto at Page 14, would indicate the construction dimensions.

3. In view of the above, we direct the Corporation to peruse the records and if further assistance is required from the Petitioner, he would be called upon to assist the Corporation by correspondence through the Mail Address / Id, mentioned in the title Clause of this Petition. Needless to state, if a right title and interest is to be noticed, the Petitioner would respond to such a notice or invitation from the Corporation for a hearing and would assist the Corporation by tendering the necessary records. He is restrained from rushing to the Court for staying of the said notice of hearing, considering the fact that this Court has permitted the Corporation to initiate this process and we order that the process should be taken to a logical end by following the due procedure laid down in the Statute and in terms of the guidelines laid down in **Sopan Maruti Thopte And Anr. Vs Pune Municipal Corporation And Anr. (AIR 1996 BOM 304)**.

4. The learned Advocate for the Petitioner submits on instructions from the Petitioner present in the Court Hall that since the Petitioner has set up a Gas Station in the plot at issue, if an adverse order is passed concluding that it was a construction carried out at on an area

which is not belonging to the Petitioner or falling within the width of the Road of the Government or is an illegal construction, he would require at least six months to remove the tank in a systematic manner. If he is granted time, it would facilitate the removal of the tank and the movement of the same outside the said location. The learned Advocates for the Corporation submit that this can be done only after he shuts down the Station. The Petitioner is agreeable.

5. We, therefore, record that the Corporation will get it verified from the Competent Authority at Nagpur as to how much time would be required for the Petitioner to remove the said tank, in the event of an adverse order, and after verifying the duration required for the activity of removing the tank, that much time shall be granted to the Petitioner. The Petitioner is satisfied.

6. With above directions, **this Petition is disposed off.**

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

Omkar Joshi