



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

904 WRIT PETITION NO. 8309 OF 2025

HIMANTRAO RAMCHANDRA SONWANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Mr. Suraj V. Gundre Advocate for Petitioner.
Mr. S.K. Tambe, A.G.P. for Respondent-State.
...

CORAM: SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.

DATE : 10th DECEMBER, 2025

ORDER :

1. Present Petition has been filed to challenge the impugned communication/order dated 9th April 2025 issued by respondent No.3 and consequently respondent No.3 be restrained to construct the wall over plot No.7608 and 7602 to the extent of area admeasuring 22340 sq. ft. out of Survey No.69/4.

2. Learned Advocate for the petitioners submit that the petitioners are the owners of the said property and due to mistake the name of respondent No.3 – Municipal Corporation

appears in the land records. The matter is pending before the Additional Collector by way of appeal and still respondent No.3 appears to have issued the tender for construction of the wall and issued the work order and when respondent No.3 was requested not to proceed with the construction, the said request has been rejected.

3. It appears that the writ petition contains the disputed facts regarding the ownership and the matter is subjudiced before one authority. Under such circumstance, the writ petition may not be maintainable and the petitioner, if at all having any right, then the remedy would be elsewhere.

4. When this aspect was inquired into with the learned Advocate for the petitioner, he seeks withdrawal of the Petition with liberty to avail the alternative legal remedy.

5. In view of the said statement, we dispose of the Writ Petition as withdrawn, with liberty as prayed for.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE