



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8204 OF 2025

NA Printer Petrol Pump
Authorized Dealer
Rumi Dinshaw Printer

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

- Mr. Vishal P. Balak, for Petitioner.
- Mr. S. P. Sonpawale, AGP for Respondent Nos.1 and 2.
- Mr. Suhas Urgunde a/w Mr. Sanjay Tope, for Respondent Nos.3 and 4.

**CORAM : MANISH PITALE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 09th JULY 2025.

P. C. :

1. On 07th July 2025, when this petition was taken up for urgent consideration, in the light of impending demolition of boundary wall of the petrol pump of the petitioner, the following statement on behalf of the respondent – Municipal Corporation was recorded.

“2. Mr. Tope, learned counsel, having instructions to appear on behalf of respondent Nos.3 and 4 (Municipal Corporation), submits that the papers pertaining to this petition have been served in the afternoon. In that light, the learned counsel for respondent Nos.3 and 4, on instructions, makes a statement that the papers pertaining to the present

petition will be verified and that no adverse action will be taken against the petitioner till day after tomorrow.”

2. When the petition is taken up for consideration today, the learned counsel appearing for the respondent – Municipal Corporation states that there is indeed a commencement certificate dated 23rd November 1987, placed on record on behalf of the petitioner and that there is a building plan of the petrol pump, which has been approved by the Town Planner of the respondent – Municipal Corporation. But, it is pointed out that till date the petitioner has failed to take occupancy certificate in respect of the building pertaining to the petrol pump, despite the commencement certificate stipulating that the building could be occupied and used only after obtaining such an occupancy certificate.

3. We are of the opinion that the respondent – Municipal Corporation would be at liberty to take appropriate action in accordance with law on the aspect of absence of occupancy certificate, but, with regard to the aspect of demolition for road widening, we are of the opinion that, so long as the petitioner has carried out construction as per the approved building plan, the respondent – Municipal Corporation shall not demolish that part of the structure.

4. In any case, if the petitioner has undertaken unauthorized construction beyond the building plan approved by the Town Planner of the respondent – Municipal Corporation, the said Municipal Corporation shall be within its rights to undertake the action of demolition, if so required, while undertaking the road widening project, in accordance with law.

5. Needless to say, if part of the land belonging to the petitioner is required for road widening, the respondent – Municipal Corporation would be entitled to take appropriate steps in accordance with law to acquire such portion of the land.

6. With these observations, the grievance of the petitioner is sufficiently addressed and hence, the petition is disposed of.

7. Pending applications, if any, also stand disposed of.

(Y. G. KHOBRAGADE, J.)

(MANISH PITALE, J.)