



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

918 WRIT PETITION NO. 11548 OF 2025

**SHREYANS DEEPAK MUNOT
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. A. S. Bajaj, Advocate for the Petitioner
Mr. R. S. Wani, AGP for the Respondent Nos.1 and 2/State
Mr. S. S. Tope, Advocate for Respondent Nos. 3 to 6.

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

DATE : 26th NOVEMBER, 2025

P. C. :-

1. Heard learned Advocate for the Petitioner.
2. Learned AGP waives notice for Respondent Nos.1 and 2/State. Mr. Tope, learned Advocate waives notice for Respondent Nos. 3 to 6.
3. The Petitioner has contended that his family is the owner of the property CTS Nos.12489/40, 12489/47, 12489/46 and 12489/48. At different times the construction permission was sought and occupancy certificate has been issued on 10th May, 1983, 18th April, 1986 and 27th May, 1991. However, the

Respondent-Corporation is contending that the portion of the construction of the Petitioner would be affected by road widening even marking has been done and there is no absolute adherence to the procedure of law by the Corporation. Hence, the Petition.

4. Learned Advocate Mr. Tope for Respondent Nos.3 to 6 on specific instructions makes a statement that the Corporation would verify the construction permissions and the construction, and if at all there is any discrepancy, then would take action under Section 260 of the Maharashtra Municipal Corporations Act and thereafter, after giving hearing would take appropriate action, if necessary, under Section 478 of the Maharashtra Municipal Corporations Act. He also makes a statement that after considering the plan it would be decided that whether any portion of the construction is going to be affected in the road widening then the action for acquisition would be initiated. He submits that on similar statements in Dr. Badrinarayan Narayandas Bagla Vs. The State of Maharashtra and Ors., Writ Petition No. 8432 of 20285 with companion matters disposed of 17th July, 2025 the statement has been recorded on behalf of the Municipal Corporation and accordingly, upon instructions he is making the statement.

5. Taking into consideration the statement, we are of the opinion that if the opportunity would be then given to the Petitioner by the Corporation though at the stage it appears that only marking is done, without taking into consideration the position of law, various decision of this Court as well as Hon'ble Supreme Court, the Municipal Corporation cannot proceed further and therefore, we hope that all those steps which are required and stated would be adhered to by the Corporation.

6. In view of the same, the Writ Petition stands disposed of.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

ssp