IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

910 **CIVIL APPLICATION NO. 11944 OF 2026**
IN WP/4797/2004

Rayaji Natha Autade
And Others ..Applicants

Vs.

The Divisional Commissioner,
Chh. Sambhajinagar
and others ..Respondents

Mr.N.R.Solunke, Advocate for applicants

Mr.K.B.Jadhavar, AGP for respondents – State Authorities

Ms.Meena S. Deshmukh, Advocate for respondent no.10 in W.P. No.4797/2004

Mr.Parth Salunke, Advocate for respondent – Municipal Corporation

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CORAM : AJIT B. KADETHANKAR, J.
DATE : OCTOBER 23, 2026

PER COURT :-

Heard learned advocates appearing for the parties.

2. Mr.N.R.Solunke, learned advocate for the applicants submits that the applicants apprehend demolition of the residential premises standing over the subject-matter site. He tries to convince the Court about the said apprehension referring to a communication

dated 01.09.2026 made by the Deputy Engineer, Water Supply Department, Zone Nos.3, 4 and 5, Municipal Corporation addressed to M/s.Seema Consultants, Chh. Sambhajinagar.

3. Mr.Jadhavar, learned AGP for the respondents – State authorities as also Mr.Parth Salunke, learned advocate for the Corporation would point out from the text of the communication that it is not an order for demolition at all. They point out that it was merely an instruction to the said agency to carry out structural audit of two properties (i) Old Office Structure located on the land of cotton mill; and (ii) Old Municipal Corporation school building at the site of the proposed water tank in Sindhi Colony area. Mr.Salunke further states that in view of the order dated 05.08.2004 passed by this Court in Writ Petition No.4797 of 2004, the Municipal Corporation cannot even demolish any residential premises standing over the subject-matter property.

4. Mr.Parth Salunke, learned advocate for the respondent – Municipal Corporation, Chh. Sambhajinagar, with the assistance of the Deputy Commissioner of the Municipal Commissioner, specifically submits that the property no.2 mentioned in the communication dated 01.09.2026 i.e. Old Municipal Corporation

school building at the site of the proposed water tank in Sindhi Colony area, belongs to the Municipal Corporation itself and it is not a part or portion of the subject-matter site which is mentioned in paragraph 8 of the order dated 05.08.2004 in Writ Petition No.4797 of 2004.

5. In view of the observations made herein above, the grievance of the applicants in this Civil Application stands redressed. Hence, the Civil Application stands dispoed of accordingly.

[AJIT B. KADETHANKAR, J.]

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