



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

WRIT PETITION NO. 1573 OF 2026

Rameshwar Makhandas Vaishnav

VERSUS

The State Of Maharashtra And Others

Mr. D. P. Palodkar h/f Mr. S. D. Nimbalkar, Advocate for petitioner

Mr. J. R. Shah, Advocate for respondent Nos. 6 to 8

Mr. V. M. Kagne, AGP for respondent-State

**CORAM : Smt. Vibha Kankanwadi &
Hiten S. Venegavkar, JJ.**

DATE : 12th March, 2026

ORDER (PER : Hiten S. Venegavkar, J.) :-

1. Heard learned Advocate for petitioner.
2. Present petition seeks relief against respondent authorities in the nature of directions not to take any coercive action against the temporary tin compound for protection of the petitioner on his property without following due process of law. It is the case of the petitioner that the petitioner is owner and possessor of property CTS No. 12487/2 admeasuring 7512 Sq. Mtrs situated within the Municipal Limits of respondent No. 6. The property is situated abutting 18 Mtrs wide road passing from Laxman Chawadi to MGM. Petitioner, in order to protect his property, constructed a tin compound on the said property. However, respondent authority due to work of revision of Development Plan of

Chhatrapati Sambhajanagar Municipal Corporation published Draft Development Plan under Section 26 of Maharashtra Regional and Town Planning Act, 1966 (for short "**MRTP Act**") and according to the Draft Development Plan, property of the petitioner has been shown to be affected by reservation of 18 meters wide road, Garden and Parking. Respondent No. 5 had prepared a Modified Development Plan under Section 28 of MRTP Act and have submitted the same to the respondent No. 1. Respondent No. 1 has proposed to convert the area affected by reservation of Parking into Residential Zone. The said proposal is pending with respondent No. 1 for his sanction. Petitioner has also written communication to the Municipal Commissioner stating that the officers should not distract the compound wall or his possession without following due process of law. The said communication is still pending with the authorities for final decision.

3. Learned Advocate for petitioner, on instructions, informs that today the situation on the property as far as tin compound is concerned, 80% of the said compound has already been removed 20% will be removed within a period of ten days from today. He has tendered the written instructions given by the petitioner to him which states that the petitioner undertakes to remove the tin compound and will file fresh application for building permission with the competent authority. We take

this written communication on record and mark it as Exhibit 'X'. Learned Advocate for petitioner also pays for withdrawal of this petition in accordance with written communication made by the petitioner.

4. Permission to withdraw the petition is granted. The petitioner is permitted to file fresh application for building permission with competent authority and if the said application is filed, competent authority to decide the same in accordance with law. With these directions, writ petition stands disposed of as withdrawn. The contention of both the parties are kept open.

(Hiten S. Venegavkar, J.)

(Smt. Vibha Kankanwadi, J.)

B. S. Joshi