

MHAU130000182026



R.C.S.No.4/2026

Narendra So Pundlikrao Sapkal Vs. Municipal Corporation, Aurangabad

ORDER BELOW EXH.12

By this application the plaintiff sought ad interim injunction against defendant corporation restraining it from demolishing suit property till filing of its reply. Read the application and reply of defendant corporation at Exh.13. Heard Ld. Advocates for the rival parties.

02. Ld. Advocate for plaintiff argued that, defendant corporation appeared today in this proceeding and sought time for filing reply to an application for temporary injunction. On the other hand, the defendant corporation is trying to demolish suit property. Therefore, it is necessary to grant ad interim injunction restraining defendant corporation from demolishing suit property till filing its reply.

03. Learned advocate for defendant corporation argued that, on 24.11.2025 the defendant corporation had issued notice to plaintiff for removal of unauthorized part of construction. However, instead of complying that notice he submitted revised plan for approval on 26.11.2025 to defendant corporation. It shows that, the plaintiff has carried out extra construction. The construction permission was granted to plaintiff on 16.12.2022. There is no renewal of said construction permission. The plaintiff does not possess occupancy certificate for occupation of unauthorized part of construction. Therefore, no protection can be granted

to plaintiff.

04. It is seen from a copy of notice dated 24.11.2025 produced by the plaintiff that, the defendant corporation has called upon the plaintiff to remove construction which it believes to be unauthorized. The plaintiff has also produced a copy of revised plan dated 26.11.2025 which shows that, there is substance in reply of defendant corporation. Thus, the plaintiff has not shown that the construction in respect of which a notice dated 24.11.2025 is issued by defendant corporation is authorized. Therefore, an interim order restraining defendant corporation from demolishing it may amount to license to commit illegality. In such circumstances, the application needs to be rejected. Hence, I pass the following order:-

ORDER

Application stands rejected.

Date :-11.02.2026.

(Shri. N.H. Tikhe)
Civil Judge Senior Division
(Corporation Court), Aurangabad.

CERTIFICATE

I affirm that the contents of this P.D.F. file Order are same, word to word, as per the original Order.

Name of the Stenographer	: V.K. Chavan (Stenographer-II)
Court	: C.J.S.D.(Corporation Court), Aurangabad
Date	: 11.02.2026
Order signed by the presiding officer on	: 11.02.2026
Order uploaded on	: 11.02.2026