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

WRIT PETITION NO.10150 OF 2019

Pawan Kailasprasad Gaud & anr. ..PETITIONERS

VERSUS

The Sate of Maharashtra & Ors. ..RESPONDENTS

Mr D. P. Palodkar, Advocate for petitioners;
Mr S. G. Sangle, A.G.P. for respondents/State;
Mr M. M. Kamble, Advocate for respondent Nos.8 & 10;
Mr S. S. Patil, Advocate for respondent No.7
Mr M. R. Sonwane, Advocate for respondent Nos.11,12,14 & 15

**WITH
WRIT PETITION NO.5212 OF 2019**

Rangnathappa s/o Tukaramappa Katkar & ors. ..PETITIONERS

VERSUS

The Sate of Maharashtra & ors. ..RESPONDENTS

Mr Ajay S. Deshpande, Advocate for petitioners;
Mr S. G. Sangle, A.G.P. for respondents/State;
Mr A. S. Deshpande, Advocate for respondent No.3;
Mr S. S. Patil, Advocate for respondent No.5;
Mr M. M. Kamble, Advocate for respondent Nos.6 & 7;
Mr M. R. Sonwane, Advocate for respondent Nos.8, 9, 11 &12

**CORAM : PRASANNA B. VARALE
AND
AVINASH G. GHAROTE, JJ.**

DATE : 4th OCTOBER, 2019

ORAL ORDER:

Heard Mr Palodkar, learned Counsel appearing on behalf of the petitioners.

2. To provide an opportunity to the respondent No. 7, notice was issued by this Court, by an order dated 20th September, 2019, making the same returnable on 4th October, 2019. The process server's report states that the notice was unserved as respondent No.7 was not present at the time of service. In connected Writ Petition No.5212 of 2019, Mr Swapnil Patil, learned Counsel appears for respondent No.5 - Mr Ghanshyam Chunnilal Goyal, who is respondent No.7 in the present matter.

3. On being apprised of this fact, Mr Patil, the learned Counsel was fair enough to submit before this Court that as he was not aware of the status of parties in Writ Petition No.10150 of 2019, neither power was filed nor any statement was made, but in view of the fact that respondent No.5 in Writ Petition No.5212 of 2019 is respondent No.7 in Writ Petition No.10150 of 2019, he may be granted some time to file his power as well as the affidavit-in-reply on behalf of respondent No.7 - Ghanshyam Chunnilal Goyal in the present petition.

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4. At the request of Mr Patil, learned Counsel, two weeks time is granted.

5. In both these petitions, the action initiated by the Municipal Council, Jalna is the subject matter. In Writ Petition No. 5212 of 2019, Mr Amit Deshpande, learned Counsel appears for respondent No.3 i.e Municipal Council, Jalna, through its Chief Officer. The Chief Officer, Municipal Corporation is a party respondent No.6 in Writ Petition No.10150 of 2019 and the other personnel in Municipal Council are the respective respondents, like Town Planner, Jalna - respondent No. 4 and the President, Municipal Council, Jalna - respondent No.5.

6. As the Municipal Council, through its Chief Officer is being represented through the Counsel in Writ Petition No.5212 of 2019, we grant liberty to Mr Palodkar, learned Counsel for petitioners to serve notice to Mr Amit Deshpande, learned Counsel within one week from today. On such service of notice to the learned Counsel Mr Deshpande, who had already filed his appearance in Writ Petition No.5212 of 2019, he is requested to seek instructions from the Municipal Council and file affidavit-in-replies in both these petitions i.e Writ Petition No.10150 of 2019 and Writ Petition No. 5212 of

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2019.

Post the petitions for further consideration on 18th October,
2019.

(AVINASH G. GHAROTE, J.)

(PRASANNA B. VARALE, J.)

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