

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) WP NO.674/2015

41 WRIT PETITION NO. 674 OF 2015

SHAIKH FAIYYAJ BILAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner :Mr. Bhalerao R.D.
AGP for Respondent State: Mrs.M.A.Deshpande
Mr.Shelke Shivaji T., Adv., for R/5 and 6
Mr.R.K.Ingole Patil, Advocate, for respondent no.1.

...

CORAM : R. M. BORDE & P.R. BORA, JJ.
Dated: August 03, 2015

...

PER COURT :-

1. The petitioner contends that some open space was allotted to his father for running a Pan Shop by the the Gram Panchayat, initially for a period of eleven months in the year 1970, and his father or other member of his family was running a Pan shop, until he was removed in the year 2014 by adopting coercive measures by the respondents. The petitioner is claiming for issuance of directions to the respondents to provide him alternate site for operating the Pan Stall which is the only source of livelihood of the family of the petitioner.

2. The Village Panchayat has caused appearance and has contested the claim raised by the petitioner. It is the contention of the respondents that the space which was occupied by the petitioner was under the control of Public Works Department and

agp/-

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(2)

WP NO.674/2015

for the purposes of widening of the road, the petitioner has been evicted. It is denied by the Village Panchayat that the space belongs to the Village Panchayat.

3. Assuming the contentions of the petitioner to be true, we have noticed that the creation of lease or alleged disposal of the property by Village Panchayat in the year 1970 was not in accordance with the provisions of the Bombay Village Panchayats Act, 1958. Petitioner does not have any entitlement to continue to possess the area, or put forth any claim in respect of said area on the basis of so called allotment on lease basis by Village Panchayat in the year 1970.

Petition is devoid of substance and hence stands rejected.

(P.R. BORA, J.)

(R. M. BORDE, J.)

...