

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

WP NO.1041/2015

48 WRIT PETITION NO. 1041 OF 2015

VISHNU RAMCHANDRA UMBRE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. Nagargoje Ankush N.
AGP for Respondent State: Mrs.A.V.Gondhalekar
Mr.Naiknavare Ramesh V., Adv., for respondent no.3

...
CORAM : R. M. BORDE & P.R. BORA, JJ.
Dated: June 29, 2015

...

PER COURT :-

1. None appears for respondent No.5 inspite of service.
2. The Municipal Council, Osmanabad, has not controverted that the encroachment / construction raised by respondent no.5, is without securing development permission from the Municipal Council. Apart from this, the construction has been raised on the property belonging to the Griha Nirman Sanstha, respondent no.4, which has been handed over to the Municipal Council. The property handed over by the society shall have to be maintained as an open space and no construction is permissible on the aforesaid space handed over to the Municipal Council. In fact, it is the responsibility of the Municipal Council to ensure that no construction is raised on such property and if somebody raises construction, the same shall have to be removed forthwith.

agp/-

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(2)

WP NO.1041/2015

3. In the facts and circumstances of this case, respondent no.3 - Chief Officer, Municipal Council, Osmanabad, is directed to ensure removal of encroachment over the open space and road handed over to the Municipal Council by the Grihanirman Society. Appropriate steps shall be taken and encroachment shall be removed as expeditiously as possible and preferably within a period of four months from today. If the Municipal Council needs any Police protection, it would be open for the Municipal Council to approach the Police Authorities and the Superintendent of Police, Osmanabad, shall provide Police protection if required by the Municipal Council.

With the direction as above, the writ petition is disposed of.

(P.R. BORA, J.)

(R. M. BORDE, J.)

...