

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

WRIT PETITION NO.6848 OF 2013

ARJUN MAHADEO DALVI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Jagiasi Shyamsunder H
Mrs. MA Deshpande, AGP for Respondents: 1 to 5.

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**CORAM : R.M.BORDE &
P.R.BORA, JJ.**

DATE : 23rd JULY, 2015.

PER COURT :-

1) Heard. The petitioner is agitating his grievance in respect of demolition of the structures at the hands of Highway authorities.

2) An affidavit in reply has been presented on behalf of Respondent Nos.1 to 5, wherein it has been stated that, in fact, the construction of the shop raised by the petitioner, comes within the periphery of 30 meters of the State highway. Maintenance of the road is responsibility of the Public Works Department. Since the shop belonging to the petitioner was located within the purview of encroached area on the Government land, i.e. State Highway No.209, along with other encroachers on the

either side of the road, which were causing difficulties for traffic, giving rise to occurrence of the accidents, the shop of the petitioner has been demolished. According to PWD, the width of the road is 100 ft and it is the property of PWD department and even if assuming that the Municipal Council has granted permission for raising the construction of the shop, the same is without authority of law. The petitioner places reliance on the communication issued by the Municipal Council in support of his claim. However, it would be open for the petitioner to raise all the contentions available in law before appropriate forum while seeking redressal of his grievances, the petitioner may avail of the alternate remedies available in law. Since the petition raises several disputed questions of facts, no interference is called for. With liberty to the petitioner to avail of alternate remedies available in law, the writ petition is dismissed.

(P.R.BORA)
JUDGE

(R.M.BORDE)
JUDGE

bdv/