

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

WRIT PETITION NO. 6581 OF 2013

NARAYAN LADHARAM PATEL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Narwade Narayan B.
Mr. SK Kadam, AGP for Respondents 1 & 4 To 6
Mr. Gaikwad Hiraji T. For R/2 & 3r/3 Served

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

DATE : **5th February, 2015.**

PER COURT :

1) Heard. Rule. With consent of learned Counsel appearing for the parties, the petition is taken up for final disposal at admission stage.

2) The petitioners are praying for issuance of appropriate writ, order or direction to the respondents/authorities to take steps to remove encroachment made over the space adjoining the canal, which is maintained by the Irrigation Department and abutting the State High Way which is parallel to Newasa Phata to Newasa Road.

3) An affidavit in reply has been presented on behalf of Respondent Nos.2 and 3 by Sub Divisional

Engineer, Mula Patbandhare Sub Division, Newasa, wherein it is stated that the encroachment is mainly on the State High Way and control over the State High Way rests with Public Works Department and the Collector. It is also contended that the encroachment is also spread over on the land adjacent to the canal under control of Irrigation Department and the Public Works Department. In view of this peculiar situation, it is contended that coordinated efforts of the Public Works Department and Irrigation Department are necessary for identifying the encroachments as well as its removal.

4) Learned AGP appearing for State, informs that encroachment is spread over mainly on the land, abutting the canal, which is under control of the Irrigation Department. It is contended that without going into the controversy raised by Respondent Nos. 2 and 3, ends of justice would be met, if the District Collector is directed to ensure coordination between Irrigation Department and Public Works Department as well as concerned police authority for identifying the alleged encroachment and for ensuring its removal.

5) The Collector is directed to ensure

identification and removal of the encroachment, as alleged by the petitioners in the instant petition with coordinated efforts of the officers from the Irrigation Department, Public works Department and Police authority. The Collector shall take appropriate measures, as expeditiously as possible, preferably within a period of six months from today.

6) With directions as above, writ petition stands disposed of.

(P.R.BORA)
JUDGE

(R.M.BORDE)
JUDGE

bdv/