

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

PUBLIC INTEREST LITIGATION NO.76 OF 2015

Asharam Ramji Ragde

...PETITIONER

VERSUS

The State of Maharashtra
and others.

...RESPONDENTS

...

Ms. Kranti T. Hiwrale Advocate for Petitioner.
Mrs. A.V. Gondhalekar, A.G.P. for Respondent
Nos. 1,2, 3, 5 and 6.
Mr. S.S. Tope Advocate for Respondent No.4.
Mr. A.V. Hon Advocate for Respondent Nos.
10 to 15.

...

**CORAM: R.M. BORDE AND
A.I.S. CHEEMA, JJ.**

DATE : 18TH NOVEMBER, 2015

ORDER :

1. This Petition can be disposed of in view of
the affidavit in reply presented on behalf of
Respondent No.6 - Tahsildar, Bhokardan.

2. In Paragraph Nos.8 and 9 of the affidavit in reply filed on behalf of Respondent No.6, it is stated that:-

"8. Hence it is submitted that, as such there is no quarrel or disagreement between the groups or the parties in the village and it is the duty of the Grampanchayat officers to remove the encroachment. However, it is submitted that, the Revenue Officers are ready to cooperate with them. It is requested that, directions may be given to provide force in case, there is a problem of law and order.

9. It is most humbly submitted that, for the reasons mentioned in the above paras, it is submitted that, the construction of the wall being unauthorised, the respondents are duty bound to remove the encroachment by following due procedure of law. Hence, suitable order may kindly be passed."

3. In view of the undertaking recorded in

Paragraph Nos.8 and 9 of the reply, the Respondent Authorities are directed to remove the wall which is stated to be unauthorized construction, as expeditiously as possible, preferably within EIGHT WEEKS from today. It would be open for the Revenue Officials to take assistance of the Police Authorities, if deemed necessary, for causing removal of unauthorized structure and in the event of extension of such request by Revenue Authorities to the Superintendent of Police, District Jalna, the concerned Police Official shall be duty bound to extend necessary assistance.

4. With the directions as above, the Writ Petition is disposed of.

[A.I.S. CHEEMA, J.]

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[R.M. BORDE, J.]