

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

WP NO.9374/2015

954 WRIT PETITION NO. 9374 OF 2015

ASIYA MUJEEB KHAN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr.Mayure Pramod C
AGP for Respondent State: Mr.N.B.Patil

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CORAM : R. M. BORDE & P.R. BORA, JJ.
Dated: September 11, 2015

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PER COURT :-

1. It is informed, on instructions, that the encroachment made by petitioner nos. 1 to 8, has already been removed and, as such, there shall be no direction for protection of their possession over premises allegedly occupied by them.

So far as other petitioners are concerned, they shall tender undertaking to this Court that they would vacate the encroached premises and hand over possession of the encroached portion to the Municipal Council within a period of two months from today. The petitioners shall produce an undertaking that they shall not create third party interest and shall not change nature of the site during the period of their occupation. The undertaking shall be tendered within one week from today. Subject to the presentation of an undertaking to this Court, the Municipal Council shall not take coercive measures for eviction of these petitioners until expiry of period of two months from today. On expiry of period of two months from today, if the petitioners fail to hand over back

agp/-

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possession of encroached premises to the Municipal Council, it would be open for the Municipal Council to adopt coercive means and recover back possession of the encroached premises forthwith.

With the directions as above, the writ petition stands disposed of.

(P.R. BORA, J.)

(R. M. BORDE, J.)

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