

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

PIL NO.14/2015

**43 PUBLIC INTEREST LITIGATION NO. 14 OF 2015
WITH CA/6892/2015 IN PIL/14/2015**

GOPAL BABRUWAN LOKHANDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr.Kanade Angad L
AGP for Respondent State:Mrs.M.A.Deshpande
Mr.P.D.Suryawanshi, Adv., for respondent no.4.
Mr.Gaikwad Anil M., Adv., for R/5

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

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PER COURT :-

1. Civil Application for intervention is allowed.
2. The petitioner is praying for issuance of directions to remove encroachment committed over the property survey No.58 situate at Georai.
3. According to the petitioner, there is a Zilla Parishad school constructed on the aforesaid land, however, un-concerned persons have started user of the property for the purpose of running a hotel and a Beer Bar. The petitioner, as such, contends that the encroachment committed by such of those persons, who have raised commercial establishments, shall be removed.

agp/-

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(2)

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4. An application for intervention has been presented on behalf of Shamrao s/o Madhavrao Pawar. The intervenor claims that the disputed property belongs to his family and a suit claiming declaration and ownership has been presented in the Court of Civil Judge, Senior Division, Beed. The intervenors have also claimed the property which has been utilized for construction of Zilla Parishad school.

5. In view of pendency of the civil dispute before competent Civil Court concerning use of the property, in our considered opinion, the disputed questions raised in the instant petition as regards the status of the property and its user need not be gone into.

The Public Interest Litigation is devoid of substance and hence, it stands rejected.

The amount of Rs.50,000/- deposited in this Court shall be refunded to the petitioner.

(P.R. BORA, J.)

(R. M. BORDE, J.)

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