

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5032 OF 2013

Dipak Dattatraya Deshmukh

.... Petitioner

Vs.

State of Maharashtra & Ors.

.... Respondents

Mr. Sumit Khaire for the Petitioner.

Mr. V.S. Gokhale, AGP, for the Respondents.

CORAM: A.S. OKA &
REVATI MOHITE DERE, JJ.

DATED: AUGUST 03, 2015

P.C:

1. In terms of the directions issued by this Court, the Deputy Superintendent of Land Records, Malshiras carried out a fresh survey. The survey maps are placed on record. The survey maps placed on the record show that there are structures erected on the public road by making encroachments.

2. The prayer made in this petition is for directing the State Government to take action of removal of the

encroachments. There is an affidavit filed by Sunita Anantrao Patil, Assistant Engineer, Grade-I, PWD Sub-Division-3, Akulj, District Solapur. In paragraph 6 of the affidavit, it is stated thus:

“6. I state that after the receipt of the measurement map from the Taluka Inspector of Land Records (TILR), Malshiras, the necessary action will be taken to remove encroachment and illegal construction upto the building line, as per the Highway.”

3. An order was passed by this Court on 10-1-2014 directing the respondents to take action of removal of illegal constructions. On 17-6-2014, a measurement map drawn by the TILR, Malshiras was placed on record. On the basis of the said measurement map, this Court disposed of the present petition by the order dated 13-10-2014. After considering the grievance of the petitioner that there is no proper demarcation of the road made by the TILR, the writ petition was restored. By order dated 6-4-2015, the Deputy Superintendent of Land Records, Malshiras was directed to carry out a fresh survey under his supervision. This Court directed that the object of the fresh survey shall be to demarcate the public road on the site to

enable the authorities of the State Government to identify the encroachments, if any, made on the road.

4. Now after carrying out a fresh survey, the Deputy Director of Land Records has placed the maps on record which show that there are encroachments on the public road. Hence, assurance given on behalf of the PWD in paragraph 6 of the affidavit dated 6-1-2014 will have to be complied with.

5. Accordingly, we dispose of the petition by passing the following order:

ORDER

(i) We direct the fifth respondent to place the copies of the survey maps drawn by the Deputy Superintendent of Land Records before the Collector of District Solapur. The Collector of District Solapur shall issue directions to the concerned officer to initiate action of demolition of the illegal structures and action of removing encroachments made upon the road in question;

(ii) The concerned officer nominated by the Collector shall complete the action in accordance with law within a period of four months from the date on which an authenticated copy of this order is produced by the petitioner before the District Collector of Solapur. It will be open for the petitioner to produce copies of the survey maps drawn by the Deputy Superintendent of Land Records in the office of the Collector of District Solapur along with an authenticated copy of this order;

(iii) The Collector of District Solapur shall act upon an authenticated copy of this order;

(iv) We make it clear that the action of removal of the structures/encroachments shall be taken strictly in accordance with law;

(v) The petition is disposed of in above terms.

(REVATI MOHITE DERE, J.)

(A.S. OKA, J.)