

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.6956 OF 2014

[Shri Yogesh Pramod Geet .vs. The Trimbakeshwar Municipal Council and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Sachin Gite, Advocate for the petitioner,
Mr. R.N. Gite, Advocate for the respondent no.1,
Mr. Vikas Mali, AGP for the respondent nos.2 to 5.

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CORAM : NARESH H. PATIL &
S.B. SHUKRE, JJ.

DATE : AUGUST 11, 2015.

PC :

The petitioner's contention is that he is occupier and owner of land City Survey No.176 and adjacent to the said land, there is land City Survey No.173. According to the petitioner, there are encroachments on 6 mtrs wide D.P. road. The Municipal Council has failed to remove these encroachments. It is contended by the learned counsel for the petitioner that the petitioner is having difficulties in approaching his property. Learned counsel has referred to an order passed by the Division Bench, dated 17th January, 2012.

The respondent-Municipal Council has filed affidavit-in-reply. It is submitted that the Municipal Council Trimbakeshwar had already issued notices under Section 53 (1) and Section 54 of the Maharashtra Regional and

Town Planning Act, 1966 to the various persons, who committed encroachments on the said D.P. Road. The encroachments were marked and some encroachments were removed, according to the deponent. It is submitted that one of the structures is belonging to BSNL. Against the notice issued to BSNL, counsel appearing for the respondent-Municipal Council submits that writ petition is filed in this court which is under consideration. Deponent further submits that every possible efforts for removal of the encroachments have been taken. It is stated on oath that due to Kumbhamela, 75 lakhs people are expected in Trimbakeshwar. We have considered the submissions advanced. It is not the case that the Municipal Council is denying that encroachments were made on the subject road i.e. City Survey No.173 Trimbakeshwar -Nashik. In the earlier round of litigation, the Division Bench, by an order dated 17th January, 2012, expected the Superintendent of Police, Trimbakeshwar to grant police help as and when asked by the Municipal Council for removal of encroachments. Learned counsel appearing for the Municipal Council states that necessary steps in accordance with law will be taken in respect of the proceeding of encroachments.

The petitioner has not made any comprehensive representation in respect of the subject matter addressed to the Chief Officer, Municipal Council, Trimbakeshwar. The petitioner is entitled to make such a representation.

Needless to mention that the responsible

authorities like respondent nos.1 and 2 to look into the issue and to take appropriate steps strictly in accordance with law.

Writ Petition stands disposed of.

[S.B. SHUKRE, J.]

[NARESH H. PATIL, J.]

Gulande, PA