

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

PUBLIC INTEREST LITIGATION NO. 10 OF 2015

Fule, Shahu, Ambedkar Samata Bahujan Parishad, Yavatmal and another

-vs-

The State of Maharashtra and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. P.B.Patil, counsel for the petitioners.
Mr.A.M.Deshpande, AGP for the respondent Nos.1, 2 and 6.
Mr. Mahesh Mourya, counsel for the respondent No.3.
Mr. S.S.Bhalerao, counsel for the respondent No.4.
Mr. M.V.Samarth, counsel for the respondent No.5.
Mr. A.D.Girdekar, counsel for the respondent No.7.
Mr.A.M.Ghare, counsel for the intervenors.

CORAM : SMT.VASANTI A. NAIK &
A.M.BADAR, JJ.

DATE : 31.07.2015.

Heard.

A preliminary objection is raised to the tenability of the public interest litigation at the behest of the respondent No.5.

We are not inclined to consider the objection raised on behalf of the respondent No.5 to the tenability of the petition as if, in the view of the petitioners, the Gram Panchayat is not taking any action against the illegal construction made by the respondent No.5, the petitioners have an alternate remedy of filing an application to the Commissioner under Section 53 2A of the Maharashtra Village Panchayats Act. Instead of availing the alternate remedy, the petitioners have rushed to this Court.

In view of the aforesaid, the petition is disposed of with no order as to costs.

JUDGE

JUDGE