

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

THE HON'BLE SRI JUSTICE S.V. BHATT

WRIT APPEAL No.951 of 2015

Dt:04.11.2015

Between:

Riaz Ahmed Khan.

... Appellant

And

B.Yadav and others

... Respondents

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

THE HON'BLE SRI JUSTICE S.V. BHATT

WRIT APPEAL No.951 of 2015

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the parties.

Mr.Suresh Shiva Sagar, learned counsel for the appellant, does not press this writ appeal on merits and seeks liberty to the appellant to file his reply to the representation made by respondent No.1 (writ petitioner), within one week from today and direction to respondent No.2 to grant an opportunity of being heard to the appellant while considering and disposing of the representation.

The writ appeal is disposed of as not pressed. It is open to the appellant to file his reply to the representation of respondent No.1, whereby respondent No.1 is seeking removal of encroachment allegedly made by the appellant on the pavement/road margins. If the appellant files reply to the representation, as aforementioned, we hope and trust that respondent No.2 shall take the same into consideration while taking further action on the basis of the representation. We are inclined to grant liberty to the appellant to take appropriate remedy for redressal of his grievance and in view thereof, in our opinion, hearing at the stage of considering the representation of respondent No.1 is not necessary unless respondent No.1 is heard by the concerned authority. We are making such observation in view of the submission made by learned Standing Counsel for respondent No.2 that the encroachment has already been removed and as of today, the structure, which was erected by the appellant on the pavement/road margins, does not exist.

Consequently, miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

Dt:04.11.2015

kdl

