

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1309 OF 2013
WITH CA/2164/2013 IN WP/1309/2013

HUMAN WELFARE SOCIETY, AURANGABAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioner : Miss. P.S. Talekar. Advocate h/f Mr. S. B. Talekar.
AGP for Respondent No.1 : Mr. V. H. Dighe.
Advocate for Respondent Nos.2 & 3 : Mr. A. M. Karad.
Advocate for Respondent No. 4 : Mr. Anil Bajaj.

CORAM : S.V. GANGAPURWALA
& A.M. BADAR, JJ.
DATE : 7TH JANUARY, 2016.

PER COURT:

1] We have heard Miss Talekar, Advocate h/f Mr. S.B. Talekar, learned counsel for the petitioner.

2] learned counsel for the petitioner, amongst other contentions, states that even otherwise, the period of agreement i.e. 10 years has come to an end and now the petitioner under the agreement would not claim any right over the writ land. However, petitioners during this period of agreement has cultivated and nurtured many plants and trees and a natural Bird Sanctuary is created. Learned counsel for the petitioners urged that birds should be taken care of and fed. According to her, the respondents should not demolish trees/plants and maintain the balance.

3] Mr. Deshmukh, Advocate appears for the intervenors and supports the contentions of the petitioners.

4] Mr. Bajaj and Mr. Karad, learned counsel for the CIDCO and Municipal Corporation, respectively, submit that the petitioner has made encroachment on the writ land and Sardar Salim Ali Lake, and notice is

issued precisely for removal of encroachment. Said fact is disputed by the learned counsel for the petitioner.

5] It would not serve any purpose in entering into the rival contentions and as fairly submitted by the learned counsel for the petitioner that the period of agreement has already come to an end, the petitioner does not have any interest in the writ land. As such, no further orders are necessary.

6] The show cause notice has lapsed, so also, the right of the petitioner in writ land is extinguished by efflux of time. In the light of the above, the reliefs claimed in the petition have become redundant. Writ petition is disposed of. No costs. Civil application for intervention is allowed and disposed of.

[A.M. BADAR]
JUDGE

[S.V. GANGAPURWALA]
JUDGE

grt/-