

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 4421 OF 2016

Shri Vilas Popat Anarse and another ...PETITIONERS

versus

The State of Maharashtra and others ...RESPONDENTS

.....
Mr. S.P. Salgar, Advocate for petitioners
Mr. K.N. Lokhande, AGP for respondents No. 1 to 7
Mr. A.P. Bhandari, Advocate for respondent No. 8
.....

**CORAM : R.M. BORDE AND
K.K. SONAWANE, JJ.**

DATED : 14th OCTOBER, 2016.

Order :-

1. The petitioner has presented instant petition seeking directions against respondents-authorities to take steps for removal of encroachment or unauthorized development allegedly carried out by respondent Nos. 8 to 10.

2. Respondents No. 3 and 7 have presented their affidavit-in-reply, wherein it has been stated that Tahsildar, Newasa has conducted inspection of the spot and has tendered his report on 06-10-2016. In the report, it has been stated that respondents No. 8 to 10 have made encroachment on State Highway, more specifically in relation to property Gut No. 2689. It is stated in the report that the staircase of Gadakh Complex and Kshirsagar Complex building are shown on the State Highway (i.e. 5.00 Squre Meters encroachment). It is also

further reported that petitioners are not instrumental in making encroachment on State Highway (Sonai-Ghodegaon road) but they have made encroachment on the old Sonai-Ghodegaon road on Gut No. 2148 (new Gut No. 8261). The petitioner is alleged to have made encroachment to the extent of 06 *Aar* area of old Sonai - Ghodegaon Road.

3. Respondents shall take steps in furtherance of the report tendered by the Tahsildar, Newasa and shall cause to remove the alleged encroachment raised by petitioners as well as by respondents No. 8 to 10, as expeditiously as possible, preferably within a period of three months from today and it is accordingly directed.

4. Learned counsel for petitioner submits that pursuant to order dated 20th July of 2016 of this court the petitioner has deposited sum of Rs.25,000/-(Rupees Twenty five thousand). Learned counsel appearing for petitioner graciously agrees to donate sum of Rs. 10,000/- (Rupees Ten Thousand) to High Court Bar Association Library. An amount of Rs.15,000/-(Rupees Fifteen Thousand) shall be permitted to be withdrawn by petitioner whereas amount of Rs. 10,000/- (Rupees Ten Thousand) shall be transferred to High Court Bar Association Library.

5. Writ petition stands disposed of. No costs.

Sd/-

[K. K. SONAWANE, J.]

Sd/-

[R.M. BORDE, J.]