

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

WRIT PETITION NO. 6343 OF 2013

Vitthal S/o Jaywanta Satwadhar & Anr.

Petitioners..

VERSUS

The State of Maharashtra & Ors.

Respondents..

.....
Mr S. S. Thombre, Advocate for the petitioners
Mr V. H. Dighe, AGP for respondent/State.
.....

CORAM : **A. V. NIRGUDE &
V. L. ACHLIYA, JJ.**

DATE : 12TH APRIL, 2016.

PER COURT:

. This petition raises several questions of fact.

2. The petitioners' case is that, they are owners of certain land which is abutting a public road on which they had constructed certain shops. They apprehended that, the respondents would remove the shops without following due process of law. The petitioners on the basis of such apprehension, had earlier filed Writ Petition No. 5903 of 2011. This petition was disposed of on 19.04.2012, when the respondents' counsel had made a statement that the encroachment would be removed

by following due process of law. The present petition is filed subsequently on 30.04.2013, again alleging that the authorities were trying to remove the structures without following due process of law.

3. In reply to this petition, the respondents contended that the land on which the structures are situated do not belong to the petitioners and that they had started taking legal action in respect of the encroachment. In view of this, the petitioners' may have a case on facts for which they have to approach Civil Court. We are not inclined to decide questions of fact. The petition stands dismissed.

4. The interim order passed by this Court vide order dated 07.08.2013, to continue for a period of two weeks from today and upon completion of said period, same shall cease to operate automatically.

[V. L. ACHLIYA, J.]

[A. V. NIRGUDE, J.]