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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.7670/2015

Yadavrao Sambhaji Chivde & others.
...Petitioners..

Versus

The State of Maharashtra & others.
...Respondents...

.....

Shri N.B. Nandgawale, Advocate h/f Shri V.G. Sakolkar,
Advocate for petitioners.
Shri M.B. Bharaswadkar, AGP for respondent nos.1 to 4.
Shri Y.B. Bolkar, Advocate for respondent no.5.
S/Shri J.M. Murkute and Shaikh Mujtaba, Advocates for
respondent nos.8 to 13.

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**CORAM: S.V. GANGAPURWALA &
K.L. WADANE, JJ.**

DATE: 30.08.2016

ORDER :

1] Learned counsel for the petitioners submits that the respondent nos.8 to 13 have committed encroachment on the Government land bearing Survey No.290/1/2 admeasuring 4 Acres 30 Gunthas and Survey No.289/1/2 admeasuring 2 Acres 30 Gunthas of village Kurula Tq.Kandhar Dist.Nanded. According to the learned counsel, the

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respondent nos.1 to 7 are not taking any steps to remove the said encroachment.

2] The learned counsel for the respondent nos.8 to 13 refute the allegations of the petitioners and submit that no encroachment has been committed by the respondent nos. 8 to 13 and they are in occupation of their own land.

3] Learned AGP states that pursuant to the application given by the petitioners to the Chief Executive Officer, Zilla Parishad, Nanded, dated 2.10.2013 and the representation dated 21.6.2014 before the respondent no. 2, the respondent no.4 is conducting hearing from 3.2.2015 in the above matter and the same is pending for hearing. The hearing would be completed if the parties cooperate in the hearing.

4] The authorities have already filed their affidavit that they have taken cognizance of the representation of the petitioners and the respondent no.4 is conducting the hearing about the entry of the name of the respondent nos.8 to 13 and the contention of the petitioners.

5] As the hearing has already commenced, we expect that the respondent no.4 - authority would conclude hearing expeditiously and preferably within a period of six

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months. The parties shall cooperate in the said hearing. The respondent no.4, upon conclusion of the hearing, shall take appropriate decision upon the same on its own merits in accordance with law. Writ petition is accordingly disposed of with these observations. No costs.

(K.L. WADANE, J.)

(S.V. GANGAPURWALA, J.)