

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

WRIT PETITION NO. 7476 OF 2013

Sayyed Rahemoddin @ Munna Kazi
S/o Sayyed Habiboddin .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri V. P. Latange, Advocate for the Petitioner.
Shri S. M. Ganachari, A.G.P. for Respondent Nos. 1 to 4.
Shri U. B. Bilolikar, Advocate for the Respondent No. 5.
Shri B. G. Londhe, Advocate h/f Shri A. G. Godhamgaonkar,
Advocate for the Respondent No. 6.

**CORAM : S. V. GANGAPURWALA AND
K. K. SONAWANE, JJ.**

DATE : 22ND JUNE, 2016.

PER COURT :

- . The respondent No. 7 is already deleted.
2. The question would remain about the unauthorized construction as far as the respondent No. 6 is concerned.
3. The respondent No. 5/Municipal Council has filed affidavit through its Chief Officer giving the details regarding action initiated.

4. Mr. Bilolikar, the learned counsel submits that, wherever encroachment is found as alleged, then the respondent/municipal council shall take action for removal of said encroachment by following due procedure of law and in case there are no prohibitory orders of the Court.

5. Certainly, if prohibitory orders of the Court are in operation, the respondent/municipal council is not expected to proceed further. The respondent/municipal council has agreed to take action against the said encroachment.

6. We accept the said statement. The respondent/municipal council shall take action as averred in the affidavit in reply filed, expeditiously and shall take steps in furtherance of the same in accordance with law within a period of three (03) months from today. The writ petition accordingly is disposed of. No costs.

[K. K. SONAWANE, J.]

[S. V. GANGAPURWALA, J.]