

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.323 OF 2016**Narayan Digambarrao Varkari and others Vs. The State of Maharashtra and others.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.S.J.Salunke, advocate for the Petitioners.
Mr.P.S.Patil, A.G.P for the State.

**CORAM : S.V.GANGAPURWALA AND
A.I.S.CHEEMA, JJ.**
Date : 28.03.2016.

PER COURT :

1. Heard.
2. Mr.Salunke, learned counsel for the petitioners submits that the petitioners are seeking directions against the Respondents to reallocate the lands of the petitioners situated in S.No.376 within the limits of Municipal Council, Majalgaon. The lands in S.No.376 are allotted either to the petitioners or their vendors. According to the learned counsel, without issuing notice to the plot owners, the Respondent-authorities demolished the part of the building constructed by the petitioners. No procedure of law was followed. The learned counsel submits that in the year 1973 itself the road was handed over to the B & C Sub-Division, Majalgaon, with

condition that the width of the road in existence at that time will be maintained in perpetuity. Learned counsel submits that the action of the Respondents being in violation of the law deserves to be struck down and the Respondents need to be directed to reallocate the plots to the petitioners.

3. Mr. Patil, learned A.G.P states that the road is in possession of PWD. There were encroachments on both the sides of road. The encroachment on one side of the road is already removed. The said action was challenged by the said encroachers, this Court did not entertain the petition filed by them. The petitioners are the encroachers on the other side of the road. The Rules governing the National Highway would apply.

4. We have considered the submissions.

5. We do not find anything on record to show that the width of the road is being increased. According to the Respondents the encroachments are removed. The petitioner No.1 has already filed a Civil Suit. This Court can not come to the aid of the petitioners in view of these disputed questions. The petitioners may avail the alternate remedy as may be available in law.

6. The Writ Petition is disposed of. No costs.

(A . I . S . CHEEMA, J .)

(S . V . GANGAPURWALA, J .)

Dt.28.03.2016.
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