

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's orders

Court's or Judge's orders

13 WRIT PETITION NO. 9318 OF 2015

NAMDEO BABURAO DHULGUNDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr.Talhar Ajay G.
AGP for Respondents/State: Mr.N.B. Patil.
Advocate for Respondent 3 : Mr.Kurundkar Sunil V.

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CORAM : S.S. SHINDE & V.L. ACHLIYA, JJ.

Dated: MARCH 09, 2016

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Learned Counsel for the petitioners, on instructions, makes a statement that, the disputed structure which is erected as an encroachment will be removed within two weeks from today.

2 This petition raises disputed questions of facts inasmuch as, according to the petitioners, the plot in question is an odd shaped plot. However, the CIDCO has filed affidavit wherein it is stated that, the said plot is shop-let plot.

3 In that view of the matter, it is not possible for this Court to adjudicate the disputed questions of facts. However, learned Counsel for the petitioner submits that, the application filed by the petitioners is pending before the respondent No.3.

4 In that view of the matter, we direct the respondent No.3 to decide the said application, if already not decided, keeping in view the record maintained by the CIDCO and the policy / relevant rules, as expeditiously as possible; however, within six weeks from today. Said application to be entertained only after the encroachment is removed by the petitioners within two weeks from today. We make it clear that, in case, encroachment is not removed by the petitioners within two weeks from today, the respondent No.3 need not decide the said application and this order will not be binding to the respondents.

Petition stands disposed of on above terms.

(V.L. ACHLIYA, J) (S.S. SHINDE, J)