

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

Writ Petition No. 10941 of 2015

District : Aurangabad

Ratnakar s/o. Bhikaji Gangurde,
Age : 70 years,
Occupation : Agriculture,
R/o. Plot No.60, Sy.No. 12/1,
Shivnagar, Chalisgaon Road,
Kannad, Taluka : Kannad,
District : Aurangabad,
& another.

.. Petitioner.

versus

The State of Maharashtra,
Through the Secretary,
Nagar Vikas Vibhag,
Mantralaya, Mumbai - 32,
& 5 others.

.. Respondents.

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*Mr. Nandkishor J. Pahune Patil, Advocate, for
the petitioners.*

*Mr. A.M. Phule, Asst. Government Pleader, for
respondent nos.1 to 5.*

Mr. S.S. Shete, Advocate, for respondent no.6.

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**CORAM : S.V. GANGAPURWALA &
A.M. BADAR, JJ.**

DATE : 3RD MARCH 2016

COURT'S ORDER *(Per S.V. Gangapurwala, J.) :*

1. Heard the learned Counsel for respective parties.
2. The present petition seeks directions to stop construction of the stadium at Kannad, which according to the petitioners, is encroaching upon the D.P. Road of the Municipal Council, Kannad. It further seeks directions against the respondents to remove encroachment of the stadium.
3. According to the respondents, the stadium has been constructed in the year 1993. Construction of the stadium work is over. Affidavit is filed by respondent no.6 i.e. Chief Officer of the Municipal Council, Kannad, which clearly states that the road that has been constructed is having width of 9 Metres. Construction of the compound wall to the said stadium is also completed.
4. The petition is filed on mere apprehension. The grievance of the petitioner, that while constructing compound wall of the stadium, some encroachment would be made on 25 Metre wide road, does not survive. As construction of the road is complete and the Municipal Council has constructed road having only 9 Metres width, no damage has been caused to the property of the petitioners as well as compound wall of the stadium. Construction of the road, according to the respondent no.6 - Municipal Council, is already complete, in which land of the petitioners was not affected, as instead of road having 25 Metres width, only road having 9 Metres width is constructed.

5. At present, grievance of the petitioner would not survive. In the light of that, the Writ Petition is disposed of. No costs.

(A.M. BADAR)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

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