

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

WRIT PETITION NO. 221 OF 2015

Muktaram Dagduji Bobade .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Jiwan J. Patil, Advocate for the Petitioner.

Shri N. B. Patil, A.G.P. for Respondent Nos. 1 and 2.

Shri A. R. Nikam, Advocate for the Respondent No. 3.

Shri U. S. Mote, Advocate for the Respondent No. 4.

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

DATE : 22ND JUNE, 2016.

PER COURT :

. We have heard Mr. Patil, the learned counsel for the petitioner and the learned A. G. P. for respondent Nos. 1 and 2. The grievance of the petitioner is that, the encroachment in respect of 11R land out of land gut No. 262 situated at village Tirthapuri is not removed.

2. The affidavit is filed by the Tahsildar saying that steps would be taken to remove it.

3. Mr. Patil, the learned counsel submits that, the Tahsildar in the said affidavit has gone further and has also stated in the

affidavit that the construction made by the Gram Panchayat is illegal. The said affidavit to that extent is improper, as the proposal is already forwarded in that regard.

4. In the present writ petition, we are not concerned with the construction carried out by the Gram Panchayat and/or the shopping complex constructed by the village panchayat. In case the petitioner has any grievance with regard to the action of the Tahsildar with regard to the construction made by the village panchayat, the petitioner may take recourse to the remedy as may be permissible in law, as the present writ petition is limited to the extent of removal of encroachment of 11R land from land gut No. 262 situated at village Tirthapuri and the affidavit is already filed that steps are being taken. As such, no further orders are required to be passed in the present writ petition. The writ petition as such is disposed of. No costs.

5. As far as another prayer for execution of lease deed by the village panchayat is concerned, the petitioner may approach the village panchayat in this regard. The amount of Rs. 25,000/- (Rs. Twenty Five thousands only) deposited by the petitioner be returned back/refunded to the petitioner.

[K. K. SONAWANE, J.]

[S. V. GANGAPURWALA, J.]