

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.205 OF 2016

Mr. Hemant Dattatray Raut	...	Petitioner
V/s.		
Sub Divisional Engineer, Public Works Sub Division No.1 & Ors.	...	Respondents

WITH
WRIT PETITION NO.206 OF 2016

Mr. Shekhar alias Bharat Giridhar Nikude	...	Petitioner
V/s.		
Sub Divisional Engineer, Public Works Sub Division No.1 & Ors.	...	Respondents

WITH
WRIT PETITION NO.207 OF 2016

Mr. Anil Narsing Kale	...	Petitioner
V/s.		
Sub Divisional Engineer, Public Works Sub Division No.1 & Ors.	...	Respondents

WITH
WRIT PETITION NO.208 OF 2016

Mr. Santosh Pandurang Upadhye	...	Petitioner
V/s.		
Sub Divisional Engineer, Public Works Sub Division No.1 & Ors.	...	Respondents

WITH
WRIT PETITION NO.209 OF 2016

Mr. Dilip Vishnupant Dixit	...	Petitioner
V/s.		
Sub Divisional Engineer, Public Works Sub Division No.1 & Ors.	...	Respondents

WITH

WRIT PETITION NO.210 OF 2016

Mr. Vishal MadhukarBhosale ... Petitioner

V/s.

Sub Divisional Engineer,
Public Works Sub Division No.1 & Ors. ... Respondents

WITH

WRIT PETITION NO.211 OF 2016

Mr. Mahesh Shivajirao Kale & Anr. ... Petitioner

V/s.

Sub Divisional Engineer,
Public Works Sub Division No.1 & Ors. ... Respondents

WITH

WRIT PETITION NO.212 OF 2016

Mr. Somnath alias Rajushet Vaskar & Ors. ... Petitioner

V/s.

Sub Divisional Engineer PWD &Ors. ... Respondents

Mr. Y.P. Narvekar for the Petitioners.

Mr. Tapan Thatte for Respondent No.1.

Mr. P.P. Kakade, AGP for the Respondents/State.

**CORAM : NARESH H. PATIL AND
A.A. SAYED, JJ.**

7th January, 2016.

P.C.

1 The Petitioners' grievance is that against a final notice dated 4 January 2016 an Appeal was preferred by the Petitioners, before the Collector of Pune under section 24 of the Bombay Highways Act, 1955.

2 Learned Counsel appearing for the Petitioners submits that in view of provisions of section 24 of the said Act the Highway Authorities

shall desist from taking further action in the above matters till the order is communicated by the Collector of Pune to the Petitioners. The Petitioners grievance is that the Highway Authorities contrary to the provisions of section 24 of the Bombay Highways Act, 1955 issued final notice (Exhibit F) on 4 January 2016 addressed to the Petitioners indicating that the subject property is going to be demolished.

3 Learned AGP appearing for the Respondent/State has taken instructions from the Collector, Pune during the course of the day. On instructions, learned AGP submits that he does not dispute the legal position as contained in the provisions of section 24 of the Bombay Highways Act, 1955. Learned AGP assures on behalf of the Highway Authorities that in accordance with the provisions of the Bombay Highways Act, 1955 necessary steps will be taken.

4 In view of above discussion, we direct the Respondent Collector, Pune to take appropriate steps to intimate the concerned Authorities in case the Appeals filed by the Petitioners are still kept pending. All issues on merits are kept open. It is clarified that this Court has not expressed any opinion on the merits of the subject issue or the contentions raised in the Appeals.

5 In case, the order passed by the Respondent Collector, Pune is adverse to the Petitioners then we direct that the parties shall maintain status quo in respect of the subject structures for a period of two weeks from the date of communication of the order to the Petitioners.

6 Writ Petitions are disposed of.

- 7 No order as to costs.
- 8 Parties to act on an authenticated copy of this order.

(A.A. SAYED, J.)

(NARESH H. PATIL, J.)

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