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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3954 OF 2016

Nitin Mhatre and ors	 Petitioner
V/s.	
State of Maharashtra & ors	 Respondents

Mr. Mahesh Vishwakarma i/by Vishwakarma & Associates, for petitioner.

Mrs. M. P. Thakur, A.G.P., for the Respondent-State.

Mr. C. G. Gavnekar I/by Suhas S. Deokar, for respondent No.7.

Mr. B.T. Gosavi, Naib Tahsildar, Panvel.

CORAM : RANJIT MORE &
DR. SHALINI PHANSALKAR-JOSHI, JJ.

DATE : 5th APRIL, 2016.

P.C. :

1. By this petition filed under Article 226 and 227 of the Constitution, the petitioner seeks following reliefs:-

(a) That this Hon'ble Court be pleased to issue Writ of mandamus or any other appropriate Writ/order directing the respondents to submit the detailed report before this Hon'ble Court pursuant to the representations of Group Grampanchayat Kon for legalization of the houses of the villagers on the Gavthan land bearing survey No.73/E/3 and further after examining the legality/authenticity/necessity pursuant to the same direct the respondents to legalize the

said houses on the said extended Gavthan Land bearing survey No.73/E/3.

(b) That this the Hon'ble Court be pleased hold that the oral summoning by the Ld. Tahasildar for demolition of the house structures of the petitioners is bad and illegal and after observing the same this Hon'ble Court to please to restrain from demolishing the said house structures of the petitioners and also restrain them from passing any such demolition order before prior permission of this Hon'ble Court.

(c) That this the Hon'ble Court be pleased to direct the respondents to not to demolish the house structures of the petitioners standing on the Gavthan Land bearing survey No.73/E/3 till the pendency of this Writ Petition.

2. Learned counsel for the petitioner submits that the petitioner has erected structure on Gavthan land after getting permission of Group Grampanchayat Kon and therefore, the structure is not unauthorized and therefore cannot be demolished.

3. Mr. Gavnekar, learned counsel for the Grampanchayat, stated that the Grampanchayat has not allowed the petitioner to construct on the Gavthan land. He also denies grant of any permission to the petitioner.

4. Mrs. Thakur, learned AGP having taken instructions from Mr. B. T. Gosavi, Naib Tahsildar, who is present in the Court, makes statement

that the land in question i.e. survey No.73/E/3 is allotted to Gaothan and reserved for VJNT. The petitioner has encroached on the same. She further makes statement that after carrying measurement and after following due procedure, petitioner's construction will be demolished.

5. In the above circumstances, we are not inclined to entertain this petition. The petition is accordingly dismissed.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]