

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 1991/2016

(NARENDRA TARACHANDJI GOTMARE & ANR **VERSUS** CHIEF OFFICER, NAGAR PARISHAD, NAGPUR)

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

Court's or Judge's orders

Shri S. Deoras, counsel for the petitioners.

CORAM : SMT.VASANTI A. NAIK AND
V.M. DESHPANDE, JJ.

DATE : APRIL 18, 2016.

By this writ petition, the petitioners seek a direction against the respondent to start the process for removal of encroachment on the land of the petitioners by following the due process of law.

It is the case of the petitioners that the petitioners are the owners of the land specifically described in the writ petition and the said land is encroached upon by some persons. It is stated that though initially the Nagar Parishad had issued a notice against the encroachers, no further action is taken by the Nagar Parishad for the implementation of the notice.

We find that the alleged encroachers are specifically mentioned in the notice, dated 16.10.2015, issued by the Nagar Parishad. The petitioners have not joined the said persons as parties to the writ petition. Also, it appears that the said notice is issued by the Nagar Parishad to the three persons mentioned in the notice on an application made by the petitioners. It would not be proper for this Court to decide whether the petitioners are the owners of the property and whether the three persons that are specifically mentioned in the notice are encroachers or not and whether the Nagar Parishad should take any action against them for their removal. The petitioners are free to take up appropriate proceedings for the removal of the encroachment made by the three persons mentioned in the notice, if at all the petitioners are of the view that they have encroached upon the land of the petitioners.

With the aforesaid observations, we dispose of the writ petition with no order as to costs.

JUDGE

JUDGE

APTE