

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 1198/2015.

Kedamath Gangadharji Agrawal

-VERSUS-

State of Maharashtra and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : B.P. DHARMADHIKARI &
KUM. INDIRA JAIN, JJ.

DATE : JUNE 15, 2016.

Heard Shri S.V. Bhutada, learned Counsel
for the petitioner, Ms. A.R. Kulkarni, learned A.G.P. for
respondent nos. 1 and 2 and Shri A.R. Deshpande,
learned Counsel for respondent no.3, for some time.

2. Petitioner, a Senior Citizen seeks removal
of unauthorized construction which has been raised on
his property. Respondent no.3 Corporation has also
issued notice for its removal, but, did not take any
action because of restraining orders operating in the
proceedings filed by the person who has raised that
construction.

3. Learned counsel for the petitioner submits

2

that, that dispute is now compromised and suit is withdraw by that person.

4. Said person is not party before this Court. The record shows that petitioner had filed suit in the year 2012 against that person, and a Regular Civil Suit No. 34/2016 is filed in the matter against the petitioner. Because of compromise both the suits are withdrawn.

5. Shri Deshpande, learned counsel appearing for respondent no.3 Corporation however states that as per instructions, some third person has now filed a suit to protect that subject structure.

6. In that situation we find that interest of justice can be met with by directing respondent no.3 Corporation to proceed further in the matter expeditiously, in accordance with law, if there are no other legal impediments.

7. Accordingly with above directions, we dispose of the Writ Petition. No costs.

Rgd.

JUDGE

JUDGE