

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

CIVIL APPLICATION [O] NO.818 OF 2016

IN

PUBLIC INTEREST LITIGATION NO.90 OF 2014

[Shaikh Sandu Shaikh Kadar .vs. Union of India and others]

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

Court's or Judge's orders

Mr. P.S. Kshirsagar, Advocate for the petitioner,
Mr. A.M. Joshi, Advocate for respondent no.1,
Mr. A.J. Thakkar, Advocate for applicants-intervenor,
Mr. J.Y. Ghurde, AGP for respondent no.2,
Mr. P.B. Patil, Advocate for respondent no.3.

CORAM : B.R. GAVAI AND
MRS. SWAPNA JOSHI, JJ.

DATED : APRIL 28, 2016.

The present Civil Application has been filed by the applicants seeking to modify the order dated 10.3.2016 insofar the demolition of houses of the applicants is concerned.

The order passed by this court dated 10.3.2016 in which we have recorded the statement of counsel appearing for respondent no.1, by which the names of the three officers being deputed for carrying out the demolition work have been intimated. Vide the said order, we had directed respondent no.2-Collector, Buldhana to co-ordinate with the Superintending Archaeologist, Nagpur and the police authorities and ensure that the demolition is carried out in the last week of April, 2016. However, the said order cannot be read in isolation. The said order is to be read with order dated 4.2.2016. Vide the said order, we had recorded

the statement made on behalf of the Superintending Archaeologist, Civil Lines, Nagpur that he had passed an order under Rule 38 of the Ancient Monuments and Archaeological Site and Remains Act, 1958 on 18.1.2016 directing removal of 30 encroachments.

It is the contentions of the applicants that the applicants are not the encroachers but they are the owners of their respective houses.

The order is very clear. Only the encroachments are directed to be removed. The order does not contemplate removal of the structure which are not the encroachers.

In that view of the matter, no modification is necessary. Civil Application is disposed of.

JUDGE

JUDGE

Gulande