

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

WRIT PETITION NO.1284 OF 2016

[Kashinath Mahadeorao Kokate .vs. State of Maharashtra and others]

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

Court's or Judge's orders

Shri Y.J. Maheshwari, counsel for the petitioner,
Shri J.Y. Ghurde, A.G.P. for respondent no.1,
Shri A.P.J.P. Dubey, counsel for respondent no.2,
Ms. N.P. Mehta, counsel for respondent nos.3 and 4,
Shri S.A. Mohta, counsel for respondent no.5.

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CORAM : SMT. VASANTI A. NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATED : JUNE 30, 2016.

Though two prayers are made by the petitioner in the instant petition, we had held, by our order, dated 11.3.2016, that the first prayer made by the petitioner would not be granted, as the petitioner would be required to avail the alternate remedy. In respect of the second prayer for a direction against the respondents to take action against the respondent no.5 for removal of unauthorized construction from the tenement, we had issued notice to the respondents.

Ms. Mehta, the learned counsel appearing on behalf of the respondent nos.3 and 4 states, on instructions, that the Housing and Area Development Authority has initiated steps to consider the removal of the unauthorized structure. It is stated that the notices under the Act have been issued against the respondent no.5.

In view of the statement made by the learned counsel that would be binding on the respondent nos.3 and 4, we are of the view that the grievance of the petitioner stands redressed. However, we direct the respondent nos.3 and 4 to conclude the proceedings in the matter of demolition of the alleged

unauthorized construction by the respondent no.5, after hearing the parties, within a reasonable time. Order accordingly. No costs.

JUDGE

JUDGE

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