

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2639 OF 2016

Rajesh Prabhakar Gade
& another

Petitioners

Versus

The State of Maharashtra
& others

Respondents

Mr. R.M.Joshi, advocate for the petitioners.
Mr. A.S. Shinde, A.G.P. for Respondents 1 and 3.
Mr. R.S. Deshmukh, advocate for respondent no. 2.

CORAM : R.M.BORDE &

P. R. BORA, JJ.

DATE : 20th MARCH, 2017

PER COURT:

1. During the pendency of the petition, this Court directed the City Survey Officer to take measurement of the open space and submit report. It is further observed in the order dated 7th June, 2016, that if at all, there is any encroachment made over the open space, the City Survey Officer shall indicate accordingly in his report.

2. In pursuance to the directions issued by this Court, the Deputy Superintendent of Land Records, has conducted measurement and has tendered his report. On perusal of the report, it is noticed by us that the petitioner has committed encroachment over the open space and the service road and has put up a wire fencing.

3. It would be open for the respondents to take measures permissible in law to remove encroachment. It would rather be a statutory duty of respondents to take appropriate measures.

4. Learned counsel for petitioners, on instructions, seeks leave to withdraw the petition. Leave granted. Petition is disposed of as withdrawn with liberty to avail of the remedies available in law.

5. It would also be open for the respondents to take appropriate steps as enumerated above.

6. Interim relief, granted by this Court earlier, shall stand vacated.

(P. R. BORA)
JUDGE

(R.M.BORDE)
JUDGE

dyb