

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 7054 OF 2012

DR. SHIVAJIRAO BABURAOJI SHINDE (SEINDIA)
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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Advocate for the Petitioner : Shri N.L.Jadhav.
AGP for Respondents 1 to 5 & 9 : Shri Y.G.Gujrathi.

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**CORAM: RAVINDRA V. GHUGE
AND
SUNIL K. KOTWAL, JJ.**

DATE :- 17th November, 2017

Per Court :

1 We have considered the submissions of the learned Advocate for the Petitioner and the learned AGP on behalf of Respondent Nos.1 to 5 and 9. None appears for Respondent No.6/ Municipal Corporation.

2 The notice issued to Respondent No.8 is returned unserved as the said hotel is closed down.

3 Considering the order that we intend to pass, the fact that Respondent No.8 is not served, is immaterial as the learned Advocate for the Petitioner submits that as the hotel is already closed down he would not raise any grievance against Respondent No.8 as of today.

4 It is pointed out that the Petitioner has put forth the grievance as regards the encroachment and nuisance caused to the Petitioner due to

the shop situated at Shoplet Nos.1 and 2, F-1, 74, N-4, CIDCO, Aurangabad. Respondent No.7 is said to be the owner of the said shop. None has appeared today for Respondent No.7.

5 The Petitioner, therefore, submits that his representations dated 11.08.2011 to Respondent Nos.4 and 6 be considered on their own merits.

6 The learned AGP submits that in the event of any shop or encroachment of the nature as is voiced in this petition, it is Respondent No.6/ Municipal Corporation which has to look into such representations.

7 The learned Advocate for the Petitioner submits that the Petitioner would be satisfied if Respondent No.6 would consider his representation.

8 In the light of the above, this Writ Petition is disposed of. We permit the Petitioner to make a fresh representation based on the present situation, as earlier representations date back to 2011, to Respondent No.6/ Municipal Corporation within a period of SIX WEEKS from today. In the event such representation is made, Respondent No.6 would consider the same on it's own merits and in accordance with law within a period of TWELVE WEEKS thereafter.