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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.10039/2012

Amin Shah Suleman Shah.

...Petitioner..

Versus

The State of Maharashtra & others.

...Respondents...

.....

Shri G.A. Nagori, Advocate for petitioner.

Shri Y.G. Gujarathi, AGP for respondent nos.1 to 3.

Shri M.M. Patil (Beedkar), Advocate for respondent no.4.

None present for respondent no.5.

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**CORAM: R.D. DHANUKA &
SUNIL K. KOTWAL, JJ.**

DATE: 09.10.2017

ORDER :

- 1] Heard learned counsel appearing for the parties.
- 2] By this petition, the petitioner seeks writ of mandamus directing the respondent nos.1 to 4 to consider the representations made by the petitioner requesting the concerned authorities to remove the illegal encroachments allegedly made on the public property and to stop further construction on the encroached area.
- 3] The respondent nos.1 to 3 and 4 have filed

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affidavits in this writ petition. So far as the affidavit filed by the respondent no.4 is concerned, the respondent no.4 has submitted various documents including the report and has stated that upon visiting the site in question, it was noticed that no encroachments of any nature whatsoever is carried out by any person and there is no substance in the allegations of encroachment made by the petitioner.

4] The statements made in the affidavit in reply filed by the respondent no.4 are accepted.

5] In our view, the grievance of the petitioner is thus met with. We are not inclined to interfere in this writ petition. The writ petition is dismissed. No order as to costs. It is made clear that if the statements made in the affidavit in reply filed by the respondent no.4 are found incorrect, the petitioner would be at liberty to file appropriate proceedings.

(SUNIL K. KOTWAL, J.)

(R.D. DHANUKA, J.)