

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO. 11175 OF 2017

Rajaram s/o Taklya Pawara  
& others

Petitioners

Versus

The State of Maharashtra  
& others

Respondents

Mr. B.R. Waramaa, advocate for petitioners.  
Mr. A.B. Girase, G.P. for respondents 1 and 2.

**CORAM : R.M.BORDE &**

**SMT. VIBHA KANKANWADI, JJ.**

**DATE : 13<sup>th</sup> SEPTEMBER, 2017**

**PER COURT:**

1. Petitioners who are encroachers are sought to be removed in furtherance of order passed by Division Bench of this Court on 14.08.2017. The issue has already been considered on earlier occasion while dealing with Writ Petition No. 8538/2016. The status of petitioner is that of encroacher and they are occupying part of the road.

2. Considering this aspect, directions have already been issued to remove encroachment caused by petitioners. On earlier occasion, suit seeking protection was also presented by petitioners. However, the application seeking interim relief presented in suit has been rejected.

3. Learned counsel for petitioners states that since the rainy

season is on and many of the occupants are old, compassionate view may be taken and some time may be granted for vacating the possession. Considering the ongoing rainy season as well as approaching Diwali festival in the month of October, we deem it appropriate it extend time for vacating the premises by petitioner until the end of October 2017.

4. Petitioners assure to tender undertaking in writing that they themselves will vacate the possession by the end of October 2017 and shall not claim any equitable right. The undertaking shall be tendered in this Court within a period of three days from today. The copy of the undertaking shall be given to the Municipal Council. In the event of failure to tender undertaking or vacate the premises by the end of October 2017, it would be open for the Municipal Council to take coercive measures and vacate possession of petitioners.

5. No interference is called for in the instant petition. Writ petition is devoid of substance hence stands rejected.

**SMT. VIBHA KANKANWADI**  
**JUDGE**

**R.M.BORDE**  
**JUDGE**