

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
PUBLIC INTEREST LITIGATION NO.02 OF 2016

Ishwar s/o Ratilal Borse

Petitioner

Versus

The Collector, Dhule & others

Respondents

Mr.S.P.Brahme, advocate i/by Mr.P.R.Katneshwarkar, advocate for the petitioner.

Mrs.A.V.Gondhalekar, A.G.P. for Respondents No.1 to 4.

Mr.P.S.Paranjape, advocate for Respondents No.5 to 8.

CORAM : DR. MANJULA CHELLUR, C.J.

AND R.M.BORDE, J.

DATE : 29th June, 2017.

P.C. :

1 The present PIL is filed in *rem publicam*, mainly on the ground that the private respondents herein are in illegal/unauthorised possession of office premises of Circle Inspector, Shirpur. All the respondents, including the private respondents are represented.

2 It is brought to our notice by the learned Additional Government Pleader as well as learned Counsel for party respondents that eviction notice was issued by the Tahsildar concerned and the same came to be challenged by the party respondents before the Civil Judge, Senior Division at Dhule and the suit is pending. It is also brought to our notice that stay of operation of eviction notice is also granted as interim relief.

3 In response to this statement, learned Counsel for the petitioner submits that the said suit is not maintainable, therefore, this PIL must be heard.

4 Even if the Public Interest Litigation is heard on merits and disposed of, we will not be in a position to opine, whether the respondents are in unauthorised occupation or not. This needs recording evidence and appreciation of factual situation. In that view of the matter, if the civil suit is not maintainable, the concerned Judge will decide the said issue and then the respondent authorities are required to approach the proper forum depending upon the situation.

5 In that view of the matter, without expressing any opinion on merits of the case, we dispose of the petition directing the Civil Judge concerned to dispose of the suit as expeditiously as possible but not later than six months from today. Respondent Tahsildar is directed to convey and place this order before the concerned Civil Court.

R.M.BORDE, J.

CHIEF JUSTICE

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