

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION NO. 105 OF 2016

Shri Shrikant Jetyappa Bansode .. Petitioner
V/s
The State of Maharashtra & ors .. Respondents

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Mr.Machhindra Patil, Advocate for the petitioner.
Mr.Samir Kumbhakoni, Advocate for respondent no.3.
Mr.A.B. Vagyani, G.P with Mrs.M.P. Thakur, AGP for the State.

**CORAM: DR. MANJULA CHELLUR, CJ. &
G.S. KULKARNI, J.**

DATED: 17th MARCH, 2017

P.C.:-

1 Petitioner is before this Court aggrieved by the exercise undertaken by the respondent authorities in conducting a survey to ascertain the unauthorized constructions encroachments, including religious and charitable structures if they are put up on the public property. This was in pursuance of government resolution dated 5th May 2011 which is revived from time to time. The last such resolution seems to be dated 29th October 2016. According to the petitioner, third respondent seems to have issued notice to private temple owners to show cause why the unauthorized structure should not be demolished.

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2 In response to the above petition, now the State Government and the respondent no.3 corporation are before us contending that for the present, the drive is only to see whether any illegal construction on the public properties including the religious and the like buildings are put up on public properties and what action should be taken in terms of direction of Apex Court in **Union of India Vs. State of Gujarat & ors (SLP Civil) no.8519/2006 dated 29th September 2009**. It is needless to say that if anyone has violated the building norms or procedure or regulations applicable for the construction even on a private land, comes to the knowledge of the authorities, they are always at liberty to take action strictly in accordance with the procedure including principles of natural justice.

3 With these observations, PIL is disposed of without expressing any opinion on merits of the petitioner.

(G.S.KULKARNI, J)

(CHIEF JUSTICE)