

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO.307 OF 2016

Dashrath Laxman Lokhande .. Petitioner
vs
The Divisional Officer
Nasik Municipal Corporation .. Respondents

Mr.Tushar Sonawane for Petitioner
Mr.Ashutosh Gole I.b Mr.V.P.Patankar for Respondent no.1
Mr.N.C.Walimbe Asst.Govt.Pleader for Respondent
nos.1,3 and 4.

***Coram : SMT.VASANTI A.NAIK AND
RIYAZ I CHAGLA, JJ***
Date : 2nd NOVEMBER 2017

P.C.:

By this writ petition, the petitioner has impugned the communication of the Nasik Municipal Corporation, Nasik dated 4.3.2014 informing the petitioner that it would not be within its domain to remove the encroachment that was sought to be removed at the behest of the petitioner and it would be necessary for the petitioner to approach the revenue authorities for seeking the removal of encroachment.

Mr.Sonawane, the learned counsel for the petitioner states that the petitioner is ready to abide with the impugned order

and approach the revenue authorities including the Collector for seeking the removal of the encroachments. It is stated that an appropriate application would be filed before the authorities within a period of four weeks. It is stated that though it is mentioned in the impugned order that a civil suit to which the petitioner is a party is pending before the trial Court, the petitioner disputes the said fact.

Since the petitioner is not desirous of challenging the order and is inclined to move the revenue authorities for seeking the removal of the encroachment, we dispose of the writ petition with liberty to the petitioner to take appropriate steps in accordance with law. If the petitioner makes an application, the concerned revenue authorities may decide the same in accordance with law. No order as to costs.

(RIYAZ I. CHAGLA J)

(SMT.VASANTI A.NAIK, J)