

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO.157 OF 2011

Mrs. Aarti Ashok Patil.	]	... Petitioner
Versus		
The Union of India & Ors.	]	... Respondents

ALONG WITH
WRIT PETITION NO.11278 OF 2011

Deepak Ramesh Dali & Ors.	]	... Petitioners
Versus		
The Union of India & Ors.	]	... Respondents

Mr. S. R. Mishra for Petitioner in WP 11278 of 2011.
Ms. Jyotsna Pandi for Union of India in WP 11278 of 2011.
Mr. P. P. Kakade, AGP for State.

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

DATE :- 19 APRIL 2017

P. C. :-

1. Perused the above two petitions. What we notice in these petitions is when some action was initiated to remove the encroachments like parapet wall or otherwise, these petitions came up before this Court seeking modification of earlier order passed in PIL 193 of 2009 which is disposed of today. We have not given any positive direction so far as the action of the authorities concerned, if already initiated in terms of the 1903 Act. If any action is to be taken

up in terms of those enactments to pursue the gazette notification of 1992 to its logical end, the concerned authorities are required to proceed with the action strictly in accordance with the procedure contemplated. It is needless to say if there is violation of any of the procedure, the individual parties are at liberty to approach the concerned authorities or forum by appropriate proceedings and seek proper redressal.

2. On the other hand, what we notice is in PIL No.157 of 2011, private rights of the parties cannot be determined. Therefore, there is no need to keep the matters pending. Accordingly PIL 157 of 2011 and WP 11278 of 2011 are disposed of.

(G. S. KULKARNI, J.)

(CHIEF JUSTICE)