

IN THE HIGH COURT OF JUDICATURE AT BOMBAYNAGPUR BENCH : NAGPUR**PUBLIC INTEREST LITIGATION NO. 151 OF 2016.**

(National Consumer Environment and Forest Protection Forum .vs. State of
Maharashtra & others)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Mr. M.K. Kulkarni, Advocate for petitioner,
Mr. K.L. Dharmadhikari, A.G.P. for respondent nos. 1 & 2.
Mr. M.A. Sable, Advocate for respondent no.3,
Mr. J.B. Kasat, Advocate for respondent no.4.

CORAM : B.P. DHARMADHIKARI & ARUN D. UPADHYE, JJ.

DATED : AUGUST 23, 2017.

Petitioner – a Trust functioning in area at forest protection with ISO 14001 certificate attempts to demonstrate encroachments in various areas under Nagpur Zilla Parishad, Nagpur Municipal Corporation and also on lands of State Government.

Though specific details of any particular site are not appearing, respondent no.3 Zilla Parishad has placed on record a list as Annexure R-3A wherein about 62 encroachments on its properties in entire district are shown.

After hearing respective Counsel, as we do not see any malafides on part of petitioner, we grant petitioner leave to make appropriate representation for removal of encroachment to respondent no.2 Collector, etc.

The representation shall be site specific giving necessary details. If the site vests in State Government, representation shall be given to respondent no.2 Collector. If the encroachment is on

area in jurisdiction of respondent no.4 Nagpur Municipal Corporation, representation shall be addressed to Municipal Commissioner. If it is within area of Zilla Parishad, representation shall be addressed to its Chief Executive Officer.

In so far as 47 sites on which encroachment is admitted by Zilla Parishad, we direct respondent no.3 to initiate necessary action for removal of those encroachments. Necessary assistance shall be rendered by respondent nos. 5 and 6 Gram Panchayat, its officers and office bearers.

If any police assistance is sought for by any of these authorities for removal of encroachment, the police department shall extend the same immediately.

If the representation is made by petitioner as mentioned supra, the concerned authorities shall take suitable decision upon it within four weeks after its receipt. If action for removal of encroachment is felt necessary, the same shall be initiated within next four weeks as per law.

With these directions, we partly allow the P.I.L. and dispose it of.

Civil Application, i.e. C.A.O. No. 1150/17 also stands disposed of.

Judge

Judge

J.