

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO.3113 OF 2017

Sanjay s/o Irbaji Hingmire

..Petitioner

Versus

The State of Maharashtra and ors.

..Respondents

Mr O.B. Boinwad, Advocate for petitioner

Mr S.G. Karlekar, A.G.P. for respondents no.1 to 4

Mr R.K. Ingole, Advocate for respondent no.5

Mr V.B. Dhage, Advocate for respondent no.7

**CORAM : S.V. GANGAPURWALA &
A.M. DHAVAL, JJ**

DATE : 10th April 2018

PER COURT

1. The petition is filed seeking directions against the respondents/authorities to remove the encroachment made on the public road No.69 (Old No.137) - Pimpalgaon to Yeoli at Pimpalgaon, Taluka Hadgaon.

2. The Zilla Parishad has filed affidavit stating that the Officers of respondent nos.5 and 6 had gone to remove the encroachment on 2nd January 2017 and started work of removal of encroachment. After removal of encroachment around 100 meters, present respondent no.7 obstructed and threatened to commit suicide. Thereafter the work was stopped. It is further stated in the affidavit that remaining encroachment is removed and report is submitted to respondent no.4 Tahsildar on 10.4.2017. It is further stated that the approach road passes from Gut No.65, but the land is not acquired by the Government till date. For construction of road on Gut No.65, portion of 400 x 20 meters needs to be acquired and requisite proposal is submitted to respondent no.4.

3. As the steps are being taken by Zilla Parishad for acquisition of the land for construction of the road, the purpose of the petitioner would stand served. Moreover, if there is encroachment, the respondents-authorities shall take steps to remove the encroachment and preserve the public road.
4. Writ Petition disposed of. No costs.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)

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