

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

**WRIT PETITION NO.578 OF 2014**

**YOGESH PRABHAKAR WANI  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. S.S. Chapalgaonkar, Advocate for the petitioner.  
Mr. K.B. Jadhavar, AGP for respondent/State.  
Mr. N.R. Bhavar, Advocate for respondent No.5.

**CORAM : SUNIL P. DESHMUKH &  
S.M.GAVHANE,JJ.  
DATED : 18.12.2018**

**P.C. :-**

1. Heard learned Counsel for the parties. The petition has been moved seeking following relief :-

"B) By issuing writ of mandamus or any other writ, order of directions in the like nature, this Hon'ble Court may be pleased to direct the respondents to remove the encroachments over the road and in front of shop of petitioner i.e. Suresh Chitra Mandir Parisar, within the limits of Kopargaon Municipal, Kopargaon, Dist. Ahmednagar in view of the representations dated 04.12.2013 and 15.12.2013 made by the petitioner and also submit report to that effect to this Hon'ble Court within period of one month from the date of order and for that purpose issue necessary orders."

2. In the affidavit in reply filed on behalf of respondents No.2 to 4, it had been assured that all the help shall be extended for removal of

encroachment. It appears that there has been counter allegation that the petitioner himself is encroacher. However, rigour of the same subsequently has been attenuated since the petitioner is stated to have removed offending encroachment. There has been further affidavit filed by the petitioner, contending that the authorities are not taking action against the encroachments. Additional affidavit in reply on behalf of respondent No.5 has been filed stating thus :-

"2. I say that, the answering respondent has already collected information in respect of temporary encroachments causing hurdles on public road. The answering respondent also used to remove the encroachments immediately after the complaints are received from the citizens of Kopargaon. I say that, the answering respondent also deputed its two employees on main road/palkhi road and those employees used to take steps that there shall be no encroachments on main road/palkhi road in future."

3. In view of aforesaid statement, the writ petition is disposed of.

**[S.M.GAVHANE,J.]**

**[SUNIL P. DESHMUKH,J.]**