

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2425 OF 2014

Dr. Rajesh Ramrao WaghmarePetitioner
V/s.
State of Maharashtra & Ors.Respondents

Mr. Dilip B. Shinde for the petitioner.

Mrs. M.P. Thakur, AGP for the State.

Mr. Jaydeep Deo for respondent no.2/CIDCO.

Ms. Savita Yadav I/b. S.V. Gavand for respondent nos.9A and 9B.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED : 14th AUGUST, 2018

P.C.:

. Heard the learned counsels for the respective parties.

2. On 30th July, 2018, we passed the following order :-

1. *In pursuance of the direction contained in Order dated 11th June, 2018, CIDCO has placed on record the Gavthan map. Said Gavthan maps shows that there is a 5 meter wide pathway, and the petitioner's structure is accessible through the 5 meter wide pathway.*

2. *Mr. Mhatre, learned Counsel for the petitioner submits that the said pathway is not of 5 meter width, but the same is*

of 3 meters width. He submits that 3 meter pathway is acceptable to the petitioner. He claims that there is obstruction on this pathway, as a result thereof, the petitioner is unable to use the said pathway. CIDCO, being the Planning Authority is duty bound to clear the said pathway. Mr. Mhatre submits that the petitioner is ready to visit the subject pathway along with the concerned Officers of CIDCO.

3. There can be no dispute that being the Planning Authority, it is the responsibility of CIDCO to remove the obstruction on the pathway. We, therefore, direct the petitioner and the concerned Officer of CIDCO to inspect the said pathway in the presence of the petitioner. In the event there is any obstruction on the pathway, CIDCO shall remove the same, and report compliance to the Court on the next date.

4. Stand over to 13th August, 2018.

5. All concerned to act on an authenticated copy of this Order. ”

3. Mr. Jaydeep Dev, learned counsel for respondent no.2/CIDCO placed on record, compliance report of the Surveyor dated 13th August, 2018. The report discloses CIDCO's officer's namely Mr. Amol Deshmukh, Assistant Controller of Unauthorized Construction, Mr. Vinod Bhusawale, Surveyor and the Petitioner Mr. Rajesh Waghmare jointly inspected the site at Sector-4B, Asudgaon on 10/08/2018. The

report further makes it clear that during the inspection, no obstruction was found on the said pathway. Mr. Dilip Shinde, learned counsel for the petitioner also makes a statement that the pathway is made clear of any obstruction and the width of the said pathway is 4.3 meters. Statement is accepted.

4. In the light of the petitioner's aforesaid statement, the petition is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)