

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3334 of 2016

M/s. F. A. ConstructionPetitioner
versus
Tahasildar Executive Magistrate, Shahapur and ors.Respondents

Mr. R. V. Govilkar, advocate for the petitioner.
Mrs. M. P. Thakur, AGP for the State.
Mr. S. S. Jadhav, advocate for the respondent No.6.

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

DATE : 13th JULY, 2018.

P. C. :

Heard learned counsel and learned AGP for the respective parties.

2. By this petition, the petitioner is challenging the actions of the respondent No.3- Gram Panchayat for demolition of the unauthorized structures on survey No.111/2. The petitioner is a construction company. He was awarded work of construction of Dam of Shai river in Taluka Shahpur and, in view of the award of the said work, the petitioner carried out temporary construction on the said survey number for base camp. Admittedly, there is no dispute of fact that the said construction was carried out by the petitioner without obtaining proper permission from the competent authority. Be that as it may, even by an order dated 8th November, 2016, the contract between the petitioner and the Government regarding construction of Dam on Shai River is also terminated.

3. Taking into consideration, the above facts and circumstances of the case, we do not find any justification in entertaining this petition. The writ petition is, accordingly, dismissed.

4. Mr. Govilkar, learned counsel for the petitioner, at this stage, submitted that the petitioner may be allowed to dismantle the structures/construction and take the temporary sheds and materials from the site. Learned AGP and learned counsel for the respondent No.3 have no objection to this. In that view of the matter, we permit the petitioner to dismantle the said temporary structures/construction and take the material from the site within a period of two weeks from today. For a period of two weeks from today, the Government or the Gram Panchayat shall not proceed in pursuance of the impugned notices. However, after expiry of the said period of two weeks, they are at liberty to proceed against the said structures/construction in pursuance of the impugned notices.

[SMT.ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]