

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 4341/2016

Shri Sanghapal S/o Wasudeo Gorkhede
 ..VS..
 CO, Municipal Council, Kamptee

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

Court's or Judge's orders

CORAM : B.P. DHARMADHIKARI AND
Z.A.HAQ, JJ.
DATED : 11/07/2018

1] Heard Advocate A.B. Moon for petitioner, Advocate A.M. Quazi for respondent and Advocate S.R. Bhongade for intervenor.

2] We accept the statement made on behalf of the Municipal Council that there is no construction on drainage line constructed by it. That drainage line is shown by dark portion around the properties of Shri Jagannath Rangari, Chintaman Rangari, petitioner Sangpal Gorkhede It is also on northern side of house of Shri Jagannath Meshram and on west portion of house of Shri Ramesh Yadav and east portion (part) of house of Shri Batulwar i.e. present intervenor. After that portion, it is shown as Nali/Atikraman in map. This location of drainage as shown at page no. 11 of writ petition which is part of Annexure-2 is not in dispute between the parties.

3] We have also taken note of the fact that on this map at the bottom, there is signature of Junior Engineer,

Municipal Council, Kamptee.

4] We therefore grant petitioner leave to make appropriate representation pointing out the structures which have come up or which may come up on this drainage constructed by Municipal Council. If such representation with photographs is received by Municipal Council, Municipal Council shall immediately proceed further as per law to remove that construction to the extent its stand on drainage line.

5] With liberty to petitioner to approach again if his grievance is not redressed and keeping all contentions of parties open, we dispose of present writ petition. No costs.

JUDGE

JUDGE

Ansari