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IN THE COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH, NAGPUR  
Public Interest Litigation No. 94/2017

(Mohd. Imdad Mohd. Afsar and others vs. Nagpur Improvement Trust and others )

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

Court's or Judge's order

Mr. Amol Deshpande, Adv. for petitioner/s  
 Mr. Shamal Kadu. AGP for respondent s 1,2 and 4  
 Mr. Kurekar, Adv. for respondent no.3

CORAM : B.P. DHARMADHIKARI &  
MRS. SWAPNA JOSHI, JJ.  
**DATED : 21<sup>st</sup> February, 2018.**

1. Petitioners approached this Court with twin prayers. First prayer is to direct respondent nos.3 and 4 to prepare a development plan for village and not to permit any development except in accordance with said plan. Other prayer is to remove encroachment which has come up on main road leading to Shirpur-Jain temple.
2. Adv. Kurekar appearing for Respondent no.3-Gram Panchayat submits that Gram Panchayat has passed a resolution on these lines but as encroachment is huge and proper machinery as also police protection is required, steps to remove it could not be taken.
3. Learned AGP points out that as encroachment is within limits of Gram Panchayat steps need to be taken by Gram Panchayat.
4. The fact that encroachment exists and it needs to be removed therefore does not appear to be in dispute. We, therefore, direct respondents to initiate necessary steps within four weeks for removal of

encroachment as per law. Funds required for removal and for procuring machinery as also for providing police protection (if any) shall be initially spent by respondent nos.1 and 2 but recovered from respondent no.3 later on.

5. The respondent nos.3 and 4 shall also draw proper development plan for village in accordance with Section 52 of the Maharashtra Village Panchayats Act, 1958 read with relevant provisions of Maharashtra Regional and Town Planning Act, 1966 within three months from today. We direct respondents not to permit any development unless and until such plan is first prepared and made operational.

6. Accordingly, PIL is partly allowed and disposed of. No costs.

**JUDGE**

**JUDGE**

*sa.hare*