

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

**PUBLIC INTEREST LITIGATION NO. 52 OF 2019**

|                                     |                 |
|-------------------------------------|-----------------|
| Rajendra Harinarayan Sharma         | ... Petitioner  |
| Versus                              |                 |
| The State of Maharashtra and others | ... Respondents |

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Mr. G. D. Kale, Advocate for petitioner.  
Ms. A. V. Gondhalekar, AGP for the State.

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**CORAM : PRASANNA B. VARALE  
AND  
NITIN W. SAMBRE, JJ**

**DATED : 09<sup>th</sup> APRIL, 2019**

**PER COURT:-**

1. The petitioner has approached this Court with the following prayers:

- "A. *The Public Interest Litigation (PIL) may kindly be allowed.*
- B. *By issuing the writ of mandamus or any other appropriate writ in like nature, direct the respondent no.1 the District Collector, and the respondent no.2 the Municipal Commissioner, NWCMC, Nanded, to take possession by removing illegal/unauthorized encroachment made by the respondent no.5 on the Govt. Land having Nagar Bhumapan (CTS) No.3198, Gut No.8 admeasuring 8.18 Gunthas situated at Vazirabad, Tq. & Dist. Nanded.*
- C. *By issuing the writ of mandamus or any other appropriate writ in like nature, direct the respondent no.1 the District Collector, and the respondent no.2 the Municipal Commissioner, NWCMC, Nanded to decide the representations dtd. 12.2.2019, 6.8.2018, and 30.7.2018 made by the petitioner."*

2. The submission of the petitioner is in the capacity of the editor of a Weekly News Paper, he has preferred representation to the respondent Corporation, pointing out the illegal development activity carried out by the respondent No.5 on the land of the State Government. The property card is sought to be relied upon for the said purpose.

3. According to learned Counsel, it can be noticed from the record that respondent No.5 has no title to the property in question, the permission for development work granted by the respondent - Corporation is illegal and as such, appropriate action needs to be initiated against respondent No.5.

4. Having perused the documents which are placed on record, it appears that the petitioner has issued certain notices and representations to the respondents. The Assistant Commissioner of respondent Corporation has initiated notice to the respondent No.5 on 18/07/2018, calling upon him to remove the illegal construction. Pursuant to the same, it appears that respondent No.5 has produced all relevant documents before the Assistant Commissioner of respondent Corporation including that grant of sanction for carrying out construction. The Assistant Commissioner, as such, has indicated the petitioner that respondent No.5 holds a sanction for carrying out construction on the land in question. A copy of such permission is also produced on record for perusal of this Court by the petitioner himself.

5. In the aforesaid background, this Court is not inclined to go into the disputed questions of fact which are sought to be raised in the petition.

6. The PIL, as such, is dismissed. Needless to state that the petitioner is at liberty to file other proceedings which are permissible in law.

( NITIN W. SAMBRE )  
JUDGE

(PRASANNA B. VARALE)  
JUDGE

SMS