

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

PUBLIC INTEREST LITIGATION NO. 84 OF 2019

Narayan Pushpa Gruha Nirman Co-operative
Society, Chikalthana, Aurangabad
Through its Chariman

..PETITIONER

VERSUS

State of Maharashtra and Others

..RESPONDENTS

....
Mr. N. L. Jadhav, Advocate for petitioner
Ms. R.P.Gaur, A.G.P. for respondent – State
....

**CORAM : P.B. VARALE AND
R.G. AVACHAT, JJ.
DATED : 18th JULY, 2019**

PER COURT :

Heard Mr. Jadhav, learned Counsel appearing for petitioner.

2. Mr. Jadhav, learned Counsel submitted that the issue raised in present public interest litigation is in respect of encroachment carried out on the public area, more particularly on the D.P. road situated in Chikalthana, Aurangabad. Mr. Jadhav was fair enough to invite our attention to Government Resolution dated 10th October, 2013. Perusal of said government resolution shows that state government in its wisdom thought it fit to issue necessary directions for removal of encroachment and prevention of such encroachment by taking appropriate steps including lodgment of

criminal cases. The government resolution states about moralities including preparation of list of such encroachments either in rural or urban areas and placement of such list on public places with warning of the consequences. The said government resolution, in clause (3), specifically states that prevention of such encroachments is the responsibility of the departments, in whose possession the land belongs and at the same time clauses (3) and (4) speak of joint responsibility and coordination. It may not be out of place to state that state government has also issued fresh government resolution on the very subject on the backdrop of directions of the Hon'ble Apex Court to take decision.

3. Considering these facts, in our opinion, public interest litigation can be disposed of. We deem it appropriate to dispose of the present public interest litigation with directions to Respondent No. 3 – Collector, Aurangabad to decide the representation submitted to him on 05th February, 2019 as expeditiously as possible and not later than 6 weeks from today. Public interest litigation is accordingly disposed of.

(R.G. AVACHAT, J.)

(P.B. VARALE, J.)

SSD