

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 14186 OF 2018
WITH
CIVIL APPLICATION NO. 5270 OF 2019

Shaikh Imam Badasha Shaikh Mujawar ...Petitioner

Versus

The State of Maharashtra and Ors. ...Respondents

Mr. K.D. Bade Patil, Advocate for Petitioner
Mr. P.K. Lakhotiya, Assistant Government Pleader for
Respondent Nos. 1 to 4

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.**

DATE : 24th APRIL, 2019

ORAL ORDER:

1. The affidavit is filed by the Sub Divisional Officer. Para 9 of the affidavit reads thus -

9. Thus now I state and submit that, this respondent No. 3 and 4 have prepared a time bound programme to implement the orders of the Wakf Board in following steps.

a) Sub-Divisional Officer, Shrirampur i.e. respondent No. 3 will instruct the Dy. Sp. Land Record, Shrirampur to measure and fix the boundaries of Gat No. 249 to ascertain the exact area of encroachment and total number of encroachers within the period of 15 days from the date of

submission of this affidavit.

b) After getting report from the Dy. Superintendent of Land Records, Shrirampur the respondent no. 3 will take a report from respondent no. 4 i.e. the Tahsildar, Shrirampur on exact number of encroached properties and also exact number of encroachers presently occupying the said property.

c) Since the General Election of Loksabha is scheduled and the Model Code of Conduct is in force, the activity of eviction of encroachment will be started immediately after the ceasing of Model Code of Conduct on 27th May, 2019.

d) Respondent No. will give final notice to all the encroachers found as above to submit their claims, if any; or any order of any court of law, within period of 15 days thereafter.

e) If no adverse order with respect to order of Chief Executive Officer, of the Wakf Board, as per provision contemplated in the Wakf Act, 1995 is produced by the encroachers then the encroachment removal drive will be taken up by Respondent No. 4 immediately and will be completed on or before 25th June, 2019.

f) The final report will be submitted to this Hon'ble Court on or before 30th June, 2019.

2. We hope and trust that the Sub-Divisional Officer will adhere to the statement made in the affidavit. Affidavit is accepted.

3. The Writ Petition is accordingly disposed of. No costs.
4. In view of disposal of the Writ Petition, Civil Application also stands disposed of.

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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