

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

PUBLIC INTEREST LITIGATION NO.83 OF 2019

Shejad Khan Amanullah Khan Pathan
Age: 35 years, Occ: Business &
Social Worker, R/o. Pathan Mohalla,
Jintur, Tq. Jintur, Dist. Parbhani

PETITIONER

VERSUS

1. The State of Maharashtra
Through Ministry of Urban
Development, Mantralaya,
Mumbai
2. District Collector,
District Parbhani
3. The Tahasildar
Tahasil Office, Jintur
Tq. Jintur, Dist. Parbhani
4. The Chief Officer,
Municipal Council, Jintur
5. Keshav Arjunrao Budhawant
Age: 42 years, Occ: Agri.,
6. Milindkumar Gulabrao Sanghai,
Age: Major, Occ: Business,
7. Gopal Ramprasad Dayma,
Age: Major, Occ: Business,
8. Sunil Nandkishor Doifode,
Age: Major, Occ: Business,

9. Sainath Ashok Doifode,
Age: Major, Occ: Business,

10. Pandurang Kishanrao Rokade,
Age: Major, Occ: Business,

Respondent Nos. 5 to 10
R/o. Yeladari Road, Jintur,
Tq. Jintur, Dist. Parbhani

RESPONDENTS

Mr Mrigesh D. Narwadkar, Advocate for the petitioner;
Mr S.D. Ghayal, A.G.P. for respondent/State

**CORAM : PRASANNA B. VARALE &
R.G. AVACHAT, JJ.**

DATED : 15th JULY, 2019

ORAL ORDER:

Heard Mr. Narwadkar, learned Counsel for the
petitioner.

2. Mr. Narwadkar, learned Counsel appearing for the
petitioner orally prays for amendment to the petition by
placing on record the representation submitted to the
District Collector, Parbhani. He submits that though the
reference is made to the said representation in the

petition, copy of the representation was not placed on record due to inadvertence. Oral prayer is allowed. Amendment be carried out forthwith.

3. The petitioner raises grievance of an encroachment in the way of water channel obstructing water channel thereby an apprehension is being carried in the mind of residents that logging of water or blockage of water due to encroachment in the channel may lead to health hazardous. Our attention was invited to the copy of the representation submitted to the District Collector, Parbhani dated 10th April, 2019.

4. Perusal of the petition shows that Tahsildar, Jintur i.e. respondent No. 3 himself took cognizance of an encroachment in the water channel and issued notice to one of the encroacher Arjun Keshavrao Budhawant on 22nd March, 2019. Copy of the panchnama is also placed on record. This panchnama is drawn on 28th March, 2019

referring to certain encroachment. It is not in dispute that the State Government recently formulated policy for removal of the encroachment in urban and rural areas on the backdrop of judicial pronouncements of Hon'ble the Apex Court. Government Resolution also refers to modalities wherein officers of village administration or district administration with the assistance of law enforcing agency can take appropriate steps either to prevent encroachment or to remove encroachment on the public land or Government land.

5. Considering these facts, we are of the opinion that present public interest litigation can be disposed of at this stage by issuing directions to respondent No. 2 District Collector, Parbhani. Accordingly, we direct respondent No.2 - District Collector, Parbhani to take appropriate action on the representation dated 10th April, 2019 as early as possible and not later than six weeks from the date of the order of this Court. Needless

to state that in view of Government policy as well as the judgment of the Hon'ble the Apex Court if the provision is made for opportunity of hearing to the parties, respondent No.2 - District Collector, Parbhani to provide such an opportunity of hearing to the respective parties including the petitioner.

6. With these directions, Public Interest Litigation is disposed of.

[R.G. AVACHAT, J.]

[PRASANNA B. VARALE, J.]