

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11163 OF 2018

SAMADKHAN SATTAR PATHAN AND ANOTHER
VERSUS
STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Kazi S. S.
AGP for Respondents No. 1 & 2 : Mr. S. K. Tambe
Advocate for Respondent No. 3 : Mr. Y. B. Pathan

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CORAM: S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.

DATE: 27th MARCH, 2019

PER COURT :

1. We have heard Mr. Kazi, learned counsel for the petitioners.

2. Mr. Kazi, the learned counsel submits that the respondent / Collector is not initiating any action pursuant to the orders passed by the Chief Executive Officer, Wakf Board under Section 54 of the Wakf Act, 1995.

3. The learned A.G.P. submits that the Tahsildar - Georai has filed an affidavit. Paragraphs

No. 5, 6 and 7 of the affidavit reads thus -

"5. I say and submit that after completion of election, positive steps will be taken for removal of encroachment by the respondents.

6. I say and submit that to know the exact area of encroachment by each encroacher, concerned Dy.S.L.R., Georai will be directed to carry out the measurement and to prepare map. After receipt of the same notices to the encroachers will be issued to remove encroachment within the time given in the notice.

7. I say and submit that Police force is engaged in election duty. After receipt of report from Dy.S.L.R., Georai and after completion of General Loksabha Election action will be taken for removal of encroachment."

4. The said statement is accepted as an undertaking to this Court. In view of the said statement, the grievance raised by the petitioner is attended to by the respondent.

5. In view of that, writ petition is disposed of. No costs.

[A. M. DHAVAL, J.] [S. V. GANGAPURWALA, J.]

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