

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

908 **CIVIL APPLICATION NO.2262 OF 2019**

GRAMPANCHAYAT KASARE THROUGH SARPANCH VISHAL ANANTRAO
DESALE
VERSUS
DHIRAJ PRAKASH DESALE AND OTHERS

...
Advocate for Applicant : Mr. N.L. Choudhari
AGP for Respondents:Mr. P.N. Kutti
.....

**CORAM: T.V. NALAWADE AND
SUNIL K. KOTWAL, JJ.**

DATE : 7th February, 2019.

ORAL ORDER :

1 This Civil application is filed for recalling or modifying the order made by this Court on 8.3.2017 in Writ Petition No.7949/2016.

2 Heard the learned counsel for the applicant village Panchayat.

3 The order made by this Court on 8.3.2017 is as under:-

“ 1) Both the sides are present. Learned counsel for the Zilla Parishad made statement that the Zilla Parishad has not approved the construction and the Zilla Parishad is intending to make inquiry to fasten the liability on the concerned.

2) Learned Government Pleader submitted that already inquiry is made through revenue officers and it is noticed that the construction is made within flood line, prohibited area, and also on Government land and the Government is also taking

appropriate action against the concerned. In view of these statements made by the respondents, this Court holds that the purpose of the petition is served and the action is expected within six months from today. The petition is disposed of in those terms. “

4 It is the contention of the learned counsel for the applicant that Village Panchayat was not party respondent in the said proceedings and the statement was made wrongly and due to that statement, aforesaid order came to be passed.

5 According to the learned counsel, there is no construction on Government land, flood line or on any prohibited area.

6 The aforesaid order made by this Court is conditional and only if the construction is found within the flood line, prohibited area or on the Government land, the construction is to be removed. Thus, there is no order made by this Court to remove constructions which are not made within the flood line area, generally called red zone area or on Government land.

7 The application is disposed of.

(SUNIL K. KOTWAL)
JUDGE

(T.V. NALAWADE)
JUDGE