

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

4 PUBLIC INTEREST LITIGATION NO.74 OF 2011
WITH CA/13556/2011 IN PIL/74/2011 WITH CA/2572/2012 IN
PIL/74/2011

SHAHURAJ LAXMAN MANE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Shri A.D. Kawre h/f Shri Joshi
Hrishikesh A.

AGP for Respondent nos.1,2,4 & 5: Shri S.B. Yawalkar

Advocate for Respondent no.3 : Shri K.J. Ghute Patil

Advocate for Respondent no.6 : Shri V.R. Dhorde

Respondent no.7 served.

**CORAM: PRADEEP NANDRAJOG, CJ &
R.G. AVACHAT, J.**

DATE: 26.09.2019

PER COURT :

1] Public interest litigation was filed on the premise that the road abutting Survey No.251 in village Omerga Tq.Omerga Dist.Osmanabad, was a National Highway and, therefore, constructions made leaving less distance between the line of the buildings and the centre of the road as required by law, warranted direction to be issued that the constructions be demolished.

2] The portion of the road was given the status of an internal road within Municipal limits for the reason highway alignment of the National Highway was changed by constructing a bypass road. Thus, in view of the said changed fact, learned counsel for the petitioners concedes that the petition has been rendered *infructuous*.

3] We note that pursuant to the order dated 14.7.2014, the petitioners have deposited rupees fifty thousand in this Court to show their *bona-fides*. Since petitioner No.1 has withdrawn himself and only petitioner No.2 is pursuing the petition, while disposing of the petition as *infructuous*, we direct the Registry to return rupees fifty thousand to petitioner No.2. If any interest has accrued on the said deposit, the same shall also be paid over to petitioner No.1.

(R.G. AVACHAT, J.)

CHIEF JUSTICE