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

PUBLIC INTEREST LITIGATION NO.114 OF 2018

Jagdeepsingh s/o Mohan Singh Namberdar ...PETITIONER

VERSUS

The State of Maharashtra and others ...RESPONDENTS

.....
Shri S.A. Nagarsoge, Advocate for petitioner
Shri S.D. Ghayal, A.G.P. for State
Shri R.K. Ingole, advocate for respondent No.3
.....

CORAM: PRASANNA B. VARALE AND
R.G. AVACHAT, JJ.

DATED : 21st AUGUST, 2019.

ORAL ORDER :

. Heard learned counsel for the petitioner.

2. In the present Public Interest Litigation, the petitioner, who is resident of Badpura, Bhagat Singh Road, Nanded, raised the cause of an unruly encroachment in the surrounding area of Gurudwara Sachkhand Shri Huzur Sahib, situated at Nanded. It is not in dispute that, Gurudwara Sachkhand Shri Huzur Sahib is a place being visited by the devotees regularly not only from the

country but also the visitors from other countries too.

3. In our order dated 27/9/2018, while referring to the grievance of cause raised in the present Public Interest Litigation, notice was issued by us to respondent No.3 and the petitioner was directed to deposit an amount of Rs.10,000/- in this Court.

4. Heard learned A.G.P. for respondents No.1 and 2 and Mr. Ingole, learned counsel for respondent No.3.

5. Mr. Ingole, learned counsel for respondent No.3 placed on record a copy of the order passed by the Commissioner, Nanded Waghala City Municipal Corporation, Nanded, dated 18/2/2019. It is the submission of the learned counsel for respondent No.3 that this order is a standing order, considering the grievance of the encroachments carried out, the streets approaching the Gurudwara. Learned counsel appearing for respondent No.3 then submitted that, previously the other local authorities were required to approach the Commissioner to seek the orders for removal of encroachment and even though under the orders of removal of encroachment, the encroachments were removed, after some period the area was again facing the problem of encroachments. As such, the Commissioner thought it fit to pass standing order, facilitating the local authorities to take appropriate steps so as to remove the encroachments.

6. Our attention was also invited to the copies supplied to the local law enforcing agencies such as the Superintendent of Police, Nanded; the Station In-charge of Police Station, Vazirabad, Nanded, the Chief of the encroachment Removal Squad of the Nanded Waghala City Municipal Corporation, Nanded and the ward Officers of Ward Nos.1 to 6.

7. Learned A.G.P. appearing for respondents No.1 and 2 admitted the fact situation that the State Government itself in its wisdom, issued Government Resolutions/ Notifications to deal with the issue of encroachment and certain resolution also refers to the judgment of the Hon'ble the Apex Court. Thus, the respondents No.1, 2 and 3 in chorus admit the responsibility of removal of encroachments, and on the backdrop of the order of the Commissioner, dated 18/2/2019, as well as the Government Resolution, the ends of justice would be met by directing the respondents No.2 and 3 to act upon the order dated 18/2/2019 and Government Resolution dated 10/10/2013. Needless to state that, the Government Resolution dated 10/10/2013 also takes care of a proper co-ordination between the local authorities, either of urban areas or rural areas for an effective exercise of removal of encroachments. The copy of order dated 18/2/2019 is taken on record and marked "X" for identification. The order issued by

respondent No.3 is accepted as an undertaking to this Court.

8. In view of above referred directions, the grievance raised in the petition is duly addressed and redressed to, and nothing survives now in the present Public Interest Litigation. Accordingly, the Public Interest Litigation is disposed of. The petitioner had deposited an amount of Rs.10,000/- in this Court. The amount deposited by the petitioner be refunded to him within two weeks.

(R.G. AVACHAT)
JUDGE

(PRASANNA B. VARALE)
JUDGE

fmp/-