

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

WRIT PETITION NO. 14254 OF 2018

Sunil S/o. Ganpatrao Gote & Anr.

.... Petitioners

Versus

The State of Maharashtra & Ors.

.... Respondents

.....
Shri. Avishkar S. Shelke, Advocate for the petitioners
Shri. S. P. Tiwari, AGP for respondent/State
.....

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATE : 13TH MARCH, 2019

ORAL ORDER:

1. The petitioner seeks directions against respondents to hand over possession of plots No. 627, 635 and 636 of village Shiregaon, Tq. Gangapur, Dist. Aurangabad.

2. Affidavit-in-reply is filed by the Dy. Collector (Rehabilitation), Collector Office, Aurangabad, on 20.02.2019. Para 2 of the said affidavit-in-reply reads thus:

“2. I say and submit that, the deponent undertakes to issue the orders to the Tahsildar, Paithan, after taking the approval of the competent authority i.e. the Additional Collector, Aurangabad, to remove the illegal encroachments

made by the third party over the plot Nos. 626, 635 and 636 at village Shiregaon and to handover the possession of the said plots to the present petitioner.

The deponent will also direct the Tahsildar Paithan to take necessary police protection from the nearest police station during the process of the removal of the encroachment and handing over of the said plots to the present petitioner. The deponent assures this Hon'ble Court that, the entire above exercise shall be completed within reasonable time period of one month."

3. The said affidavit is accepted by this Court. It is submitted that, in stead of Tahsildar Paithan, same ought to be Tahsildar Gangapur. The authority shall issue necessary directions to the Tahsildar concerned as stated in para 2, and shall take the steps as is stated in the affidavit-in-reply.

4. The Writ Petition is accordingly disposed of. No costs.

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde