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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****PUBLIC INTEREST LITIGATION NO. 42 OF 2015**

Abdul Nasir Abdul Samad Jalal

.....Petitioner

V/s.

The Chief Executive Officer
Raigad Jilha Parisad and others

.....Respondents

Mr. Abdul Nasir Abdul Samad Jalal petitioner present in person

Mr. C. G. Gavnekar a/w Mr. G. S. Hiranandani for respondent Nos. 1
& 2

Ms. Nisha Mehra AGP for respondent Nos. 4 to 9, 11 & 12

**CORAM : PRADEEP NANDRAJOG, C.J. &
N. M. JAMDAR, J.****DATE : APRIL 22, 2019.****P.C.**

We have heard the petitioner in person and learned counsel for respondents. A meaningful reading of the Writ Petition with reference to the prayers made, brings out the point that National Highway No. 17 passing through Mangaon city, district Raigad needs judicial intervention on account of the fact as per Law no building can be constructed within the notified distance measured from the centre of

the road and this has to be ensured by the Chief Engineer, National Highway No. 17. The second issue relates to unauthorized constructions in the area which was rural area and was under the control of Grampanchayat. The area is now under the jurisdiction of Nagarpanchayat, impleaded as respondent No. 3.

2 In view of the fact that there are no specific averments with reference to the names of the encroachers nor with reference to the land on which encroachment have been made, we dispose of the petition directing same to be treated as representation to respondent No. 3 and respondent No. 10.

3 With respect to National Highway No. 17, respondent No. 10 would ensure that buildings which have been erected within the line of control i.e. within the minimum distance prescribed between the centre of the road and required to be maintained by law as an open area, would be demolished after notice to the owners of the building.

4 Respondent No. 3 would ensure that land recorded as

Government land is made free from encroachments be it forest land or land belonging to the State Government.

5 Compliance would be made within 6 months. The Petition is disposed of.

N. M. JAMDAR, J.

CHIEF JUSTICE