

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Amk

PUBLIC INTEREST LITIGATION NO. 63 OF 2015

Mr. Pravin Ashok More .. Petitioner
Vs.
Municipal Commissioner,
Malegaon Municipal Corporation & Ors. .. Respondents

Mr. Abhijit Patil i/b Ajay Patil for the Petitioner.
Mr. M. M. Pabale, AGP for Respondent No.5-State.
Mr. S. S. Patwardhan for Respondent Nos.1 & 2.

**CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.**
DATE : 22nd AUGUST, 2019.

P.C. :

1. The grievance in the Public Interest Litigation is to unauthorized encroachment on the old Mumbai-Agra Road and two roads shown in the development plan.
2. The reply brings out that there are no encroachments on the old Mumbai-Agra Road and as regards the allegations of encroachments on the two roads shown in the development plan, the reply is that as a matter of fact no roads were constructed because the development plan was not given effect.
3. Thus, the question of encroachment on two roads shown in the development plan does not arise.
4. Be that as it may, even the Petitioner has died.

5. We would have substituted the Petitioner by proceeding ahead suo motu if a public cause survived for consideration. Since none survives, the Petition is disposed of as infructuous.

[SMT. BHARATI DANGRE, J.]

[CHIEF JUSTICE]