

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO.4680 OF 2017
WITH
CIVIL APPLICATION NO.934 OF 2018**

Suwarna Rajaram Ghevade and Ors. ...Petitioners
vs.
The State of Maharashtra and Ors. ...Respondents

Mr. Prashant Bhavake, for the Petitioners
Mr. S.M. Railkar, for Respondent Nos. 15 to 18.
Mr. H.C. Soni, for Respondent No. 9.
Mr. K. R. Kulkarni, AGP for Respondent-State.

**CORAM : INDRAJIT MAHANTY &
N.B. SURYAWANSHI, JJ.**

DATE : SEPTEMBER 05, 2019

P.C.:

- . Heard the learned counsel for the parties.
2. By an order dated 16th March, 2018 this Court had directed the Petitioners to implead the Nagar Panchayat, Agra as party Respondent and further directed to issue notice.
3. In spite of such direction, the Petitioners had not taken necessary steps sfor impleadment of Nagar Panchayat. It appears

from the order that once again time was sought by the Petitioners to take steps to amend the Petition and to carry out the necessary amendment by order dated 22nd April, 2019. No such amendment till date has been carried out. The learned counsel for the Petitioners seeks further period for impleadment of Nagar Panchayat as party Respondent.

4. We have perused the prayers made in the Writ Petition. Paragraph 16(b) is quoted as under:

“By suitable Writ, Order or direction, the Court be pleased to direct the Respondent Nos. 1 to 8 to forthwith demolish the illegal buildings/ structures/ sheds erected by the Respondent Nos. 9 to 16 within the 100 feet distance from the centre of the State Highway No. 134 in Gat Noi. 398/2 situated at Mauje-Ajara, Taluka Ajara, District Kolhapur and accordingly further direct the Respondent Nos. 1 to 8 to free the land from erection of any type of construction”.

5. Mr. Kulkarni, learned AGP for the State submits that during the pendency of the Petition, the unlawful construction carried out by the Respondent No. 9 has already been demolished by Respondent No. 7. The learned counsel representing Respondent Nos. 15 to 18 submit that he was the original vendor of the land

which he has sold to other private Respondents. It appears from the nature of prayer made in the Petition that the Petitioners are aggrieved by the private Respondents and by the State Government for not taking any action against such unlawful constructions or any structures or building within 100 fts. distance from the center of the State Highway.

6. The learned AGP for the State submits that the action against Respondent No. 9 has already been taken and the area of the unauthorized construction has already been demolished. It is also brought to our notice that Nagar Panchayat, Agra has issued notice to other encroacher for the violations of the direction of the State Government and the proceedings have been initiated to various authorities. Copies of which have been furnished in the Court and taken on record and marked "X" for identification.

7. Taking into consideration the aforesaid facts and circumstances, we are of the considered view that the writ has subserved its purpose regarding unauthorized construction and no steps are required to be taken further keeping pending the Writ

Petition. Accordingly, we dispose of the Petition directing the State authorities to verify and find out such unauthorized constructions and take appropriate action against such unauthorized constructions in the area.

8. Writ Petition is disposed of as such.

9. In view of above, Civil Application is also disposed of.

(N.B. SURYAWANSHI, J.)

(INDRAJIT MAHANTY, J.)