

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11514 OF 2018

Atul Ashok Raichurkar

...Petitioner

Versus

State of Maharashtra & ors.

...Respondents

Mr. S. R. Bugade, for the Petitioner.

Mr. A. P. Vanarse, AGP for the State/Respondent.

CORAM: R. M. BORDE &
N. J. JAMADAR, JJ
DATED: 1st JULY, 2019

PC:-

1. Since the Petitioner has already availed alternate remedies, instant petition seeking a direction against the Municipal Council to remove the encroachment need not be entertained. It is informed that the person who is alleged to have committed encroachment is no more. In the circumstances, in the absence of a person who is instrumental in committing the encroachment, or his legal heir or person in possession of encroached structure, the grievance raised by the Petitioner in the instant petition need not be entertained. The petition being devoid of substance stands rejected.

[N. J. JAMADAR, J.]

[R. M. BORDE, J.]