

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 13125 OF 2017

Shri. Kisan Dattu Pachrane

...Petitioner.

Vs.

The Executive Engineer, P.W.D. and ors.

...Respondents.

WITH
WRIT PETITION NO.1028 of 2018

Shri. Dharma Kedu Gangurde

...Petitioner.

Vs.

The Executive Engineer, P.W.D. and ors.

...Respondents.

WITH
WRIT PETITION NO.1029 of 2018

Shri. Bajirao Sampat Aher

...Petitioner.

Vs.

The Executive Engineer, P.W.D. and ors.

...Respondents.

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WITH
WRIT PETITION NO.2743 of 2018

Smt. Lata Khanderao Shrishat and ors. ...Petitioners.

Vs.

The Executive Engineer, P.W.D. and ors. ...Respondents.

WITH
WRIT PETITION NO.2744 of 2018

Rajkumar Ashok Shirshat ...Petitioner.

Vs.

The Executive Engineer, P.W.D. and ors. ...Respondents.

WITH
WRIT PETITION NO.2745 of 2018

Mangalabai Kedu Shirsath ..Petitioner.

Vs.

The Executive Engineer, P.W.D. and ors. ...Respondents.

WITH
WRIT PETITION NO.2746 of 2018

Shri. Balu Gangadhar Ghadoje ...Petitioner.

Vs.

The Executive Engineer, P.W.D. and ors. ...Respondents.

WITH
WRIT PETITION NO.2747 of 2018

Sharadrao Sakharam Mali ...Petitioner.

Vs.

The Executive Engineer, P.W.D. and ors. ...Respondents.

WITH
WRIT PETITION NO.2748 of 2018

Shivji Gangadhar Ghadoje ...Petitioner.

Vs.

The Executive Engineer, P.W.D. and ors. ...Respondents.

WITH
WRIT PETITION NO.2749 of 2018

Mr.Ramrao Popat Pachorkar ...Petitioner.

Vs.

The Executive Engineer, P.W.D. and ors. ...Respondents.

WITH
WRIT PETITION NO.2750 of 2018

Yashodabai Manohar Watpade ...Petitioner.

Vs.

The Executive Engineer, P.W.D. and ors.

...Respondents.

WITH
WRIT PETITION NO.2751 of 2018

Shri. Hari Popat Shirshat

...Petitioner.

Vs.

The Executive Engineer, P.W.D. and ors.

...Respondents.

WITH
WRIT PETITION NO.2752 of 2018

Shri. Madhukar Laxman Shirshat

...Petitioner.

Vs.

The Executive Engineer, P.W.D. and ors.

...Respondents.

WITH
WRIT PETITION NO.2753 of 2018

Smt. Kalpanabai B. Bhalerao and anr.

...Petitioners.

Vs.

The Executive Engineer, P.W.D. and ors.

...Respondents.

WITH
WRIT PETITION NO.2754 of 2018

Anjanabai Gopala Bhalerao
since deceased through Lrs.

...Petitioner.

Vs.

The Executive Engineer, P.W.D. and ors.

...Respondents.

WITH
WRIT PETITION NO.2755 of 2018

Smt.Sheela Vilas Dhage

...Petitioner.

Vs.

The Executive Engineer, P.W.D. and ors.

...Respondents.

WITH
WRIT PETITION NO.2756 of 2018

Mr. Ramesh D. Bagul

...Petitioner.

Vs.

The Executive Engineer, P.W.D. and ors.

...Respondents.

WITH
WRIT PETITION NO.2757 of 2018

Mr. Parashram Kisan Bhalerao

...Petitioner.

Vs.

The Executive Engineer, P.W.D. and ors.

...Respondents.

WITH
WRIT PETITION NO.2758 of 2018

Shri. Valu Shankar Gangurde ...Petitioner.

Vs.

The Executive Engineer, P.W.D. and ors. ...Respondents.

WITH
WRIT PETITION NO.2759 of 2018

Shri. Ramdas Dattatray Aware ...Petitioner.

Vs.

The Executive Engineer, P.W.D. and ors. ...Respondents.

WITH
WRIT PETITION NO.2773 of 2018

Shri. Khanderao R. Shirshat ...Petitioner.

Vs.

The Executive Engineer, P.W.D. and ors. ...Respondents.

WITH
WRIT PETITION NO.2774 of 2018

Sukdeo Popat Mohite and anr. ...Petitioner.

Vs.

The Executive Engineer, P.W.D. and ors. ...Respondents.

WITH
WRIT PETITION NO.2775 of 2018

Shri. Pramod Dattatray Mali ...Petitioner.

Vs.

The Executive Engineer, P.W.D. and ors. ...Respondents.

WITH
WRIT PETITION NO.2776 of 2018

Mr.Kishore Sampat Watpade ...Petitioner.

Vs.

The Executive Engineer, P.W.D & ors. ...Respondents.

WITH
WRIT PETITION NO.2777 of 2018

Mr.Balasaheb N. Pachorkar ...Petitioner.

Vs.

The Executive Engineer, P.W.D & ors. ...Respondents.

WITH
WRIT PETITION NO.2790 of 2018

Mr.Bhausahab Genu Pachorkar ...Petitioner.

Vs.

The Executive Engineer, P.W.D & ors. ...Respondents.

WITH
WRIT PETITION NO.2791 of 2018

Mr. Rahul Santu Pachorkar ...Petitioner.

Vs.

The Executive Engineer, P.W.D & ors. ...Respondents.

WITH
WRIT PETITION NO.3845 of 2018

Kalpana Balasaheb Bhalerao ...Petitioner.

Vs.

The Executive Engineer, P.W.D & ors. ...Respondents.

WITH
WRIT PETITION NO.3846 of 2018

Mr. Vasant Gopala Bhalerao ...Petitioner.

Vs.

The Executive Engineer, P.W.D & ors.

...Respondents.

WITH

WRIT PETITION NO.3847 of 2018

Mr. Prakash Rambhau Mali

...Petitioner.

VS.

The Executive Engineer, PWD and ors.

...Repsondents.

WITH

WRIT PETITION NO.3848 of 2018

Shri. Nilesh Popatrao Ghadwaje

...Petitioner.

Vs.

The Executive Engineer, P.W.D & ors.

...Respondents.

WITH

WRIT PETITION NO.3849 of 2018

Shri. Bhausahab R. Pawar

...Petitioner.

Vs.

The Executive Engineer, P.W.D & ors.

...Respondents.

WITH
WRIT PETITION NO.3850 of 2018

Shri. Nivrutti Namdeo Mali

...Petitioner.

Vs.

The Executive Engineer, P.W.D & ors.

...Respondents.

WITH
WRIT PETITION NO.3851 of 2018

Shri. Arun Sakharam Mali

...Petitioner.

Vs.

The Executive Engineer, P.W.D & ors.

...Respondents.

WITH
WRIT PETITION NO.3852 of 2018

Smt. Alka Nivruti Mali

...Petitioner.

Vs.

The Executive Engineer, P.W.D & ors.

...Respondents.

WITH
WRIT PETITION NO.3853 of 2018

Shri. Kailas Shivaji Nikhade

...Petitioner.

Vs.

The Executive Engineer, P.W.D & ors.

...Respondents.

WITH
WRIT PETITION NO.3854 of 2018

Mr. Dattatray Abaji Dhikle

...Petitioner.

Vs.

The Executive Engineer, P.W.D & ors.

...Respondents.

WITH
WRIT PETITION NO.3855 of 2018

Shri. Dnyaneshwar Vasant Nikhade

...Petitioner.

Vs.

The Executive Engineer, P.W.D & ors.

...Respondents.

WITH
WRIT PETITION NO.3856 of 2018

Mr. Kishor Dattatraya Mohite

...Petitioner.

Vs.

The Executive Engineer, P.W.D & ors.

...Respondents.

WITH
WRIT PETITION NO.3870 of 2018

Shri. Bhikaji Kashinath Dhanayat ...Petitioner.

Vs.

The Executive Engineer, P.W.D & ors. ...Respondents.

WITH
WRIT PETITION NO.5460 of 2018

Mr. Sanjay M. Nikhade ...Petitioner.

Vs.

The Executive Engineer, P.W.D & ors. ...Respondents.

WITH
WRIT PETITION NO. 5646 of 2018

Smt. Puja Kailas Shirshat ...Petitioner.

Vs.

The Executive Engineer, P.W.D & ors. ...Respondents.

WITH
WRIT PETITION NO. 5735 of 2018

Mr. Kishore Dattatraya Mohite ...Petitioner.

Vs.

The Executive Engineer, P.W.D & ors. ...Respondents.

WITH

WRIT PETITION NO.5799 of 2018

Smt. Suvarna Pankaj Vatpade

...Petitioner.

Vs.

The Executive Engineer, P.W.D & ors.

...Respondents.

WITH
WRIT PETITION NO.12752 of 2017

Shri. Ganpat Yadav Wagh

...Petitioner.

Vs.

The Executive Engineer, P.W.D & ors.

...Respondents.

WITH
WRIT PETITION NO.12755 of 2017

Shri. Nandkishore V. Shinde

...Petitioner.

Vs.

The Executive Engineer, P.W.D & ors.

...Respondents.

WITH
WRIT PETITION NO. 12810 of 2017

Shaikh Yusuf Shaikh Hanif

...Petitioner.

Vs.

The Executive Engineer, P.W.D & ors.

...Respondents.

Mr. R.N.Gite for the Petitioners.

Ms. P.N. Diwan, AGP. for the State Respondent Nos. 1 to 4.

**CORAM : R.M.BORDE AND
V.L. ACHLIYA, JJ.
DATE 7th January, 2019**

PC :

1. The cause of action stated to have accrued to the petitioners for approaching this Court is the Notice dated 13.6.2017 issued by the respondents calling upon the petitioners to remove the encroachment allegedly made by them to the extent of 3.5 meters to 4.5 meters beyond 33 ft. on both the sides of the road which is claimed to be without authority or law. Though the State Government contends that the petitioners are encroachers however, the petitioners have denied the contention and claimed title in themselves. However, it would not be necessary to go through the controversy since the Notice dated 13.6.2017 has been withdrawn by the respondents vide their communication dated 29.9.2017. The said communication is annexed to the reply by respondent No.2. In view of the above, we do not deem it

necessary to entertain the aforesaid writ petitions and accordingly those are disposed off.

2. It is needless to mention that, it would be open to the petitioners to avail of the remedies available in law as and when cause of action accrues.

3. It is informed by the learned AGP. that, in some of the petitions the petitioners have approached this Court though no notices were issued to them and there was no accrual of cause of action. Since all petitions are being disposed off it is needless to examine the contentions.

(V.L. ACHLIYA, J.)

(R.M. BORDE, J.)