

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

P.I.L. No.67 of 2018

Smt. Preeti s/o Arun Joseph and others

Versus

State of Maharashtra, through its Secretary, Urban Development Department,
Mantralaya, Mumbai, and others.

Office Notes, Memoranda of Coram,
 appearances, Court's orders or directions Court's or Judge's orders
 and Registrar's order

Shri T.D. Mandlekar, Advocate for Petitioner.

Shri D.P. Thakre, Additional Government Pleader for Respondent
 Nos.1, 4 and 5.

Shri M.V. Samarth, Advocate for Respondent No.2.

Shri S.M. Ukey. Advocate for Respondent No.3.

Shri A.D. Dangre, Advocate for Respondent Nos.8 to 11.

Coram : R.K. Deshpande & Vinay Joshi, JJ.

Dated : 6th February, 2019

The substantive relief claimed in this petition is contained
 in Prayer Clause (i) of this P.I.L., which is reproduced below :

*“(i) Direct the respondent Nos.1 to 5 to demolish the
 illegal construction started on Government owned Land
 reserved for “public road” on the eastern side of Plot No.73-
 A Shramjiwi Griha Nirman Sanstha, Sumedh Nagar, Nari
 Road, Nagpur (North) by respondents no:-06 to 11.”*

In response to the aforesaid prayer, the stand of the
 respondent No.2- Nagpur Improvement Trust in Paragraph 21 of
 its submissions is reproduced below :

“21] As to para No.6 :-

It is specifically denied that the respondent No.2 has failed in their statutory duties and action against the respondent No.6 to 11. It is also denied that the respondent protecting the illegal activities of respondent No.6 to 11. As submitted earlier, the notice is served on 16/05/2018 to remove unauthorized construction within one month i.e. 15/06/2018. However, in the meanwhile Hon'ble Court in this matter itself, directed all the parties to maintain the status quo. The unauthorized construction, if any, could not be removed for this reason.”

Shri Mandlekar, the learned counsel appearing for the petitioner, submit that the order of status quo granted by this Court be vacated and the petition be permitted to be withdrawn so that the respondent No.2- Nagpur Improvement Trust proceeds with the matter to execute the notices and demolish the encroachment on the land in question.

Permission is granted. The petition is dismissed as withdrawn.

As a result of the withdrawal of the petition, the status quo granted by this Court stands vacated and the respondent No.2- Nagpur Improvement Trust to proceed further in the matter in accordance with law.

(Vinay Joshi, J.)

(R.K. Deshpande, J.)