

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

7 CRIMINAL WRIT PETITION NO.520 OF 2017

RIYAJ AHMAD SHABBIR AHMAD ANSARI
VERSUS
THE STATE OF MAHARASHTRA AND ORS.

...
APP for Respondent/State : Mr. P.K. Lakhotiya
Advocate for Respondents 2 to 4 : Mr. A.S. Sawant
...

**CORAM : T.V. NALAWADE AND
M.G. SEWLIKAR, JJ.**
DATED : 20/10/2020.

ORDER :

1. Advocate Jahagirdar is not present online. He is not present in the Court also. The learned APP is ready with the matter. This Court has carefully gone through the petition and the record produced.

2. The record produced shows that open space was leased to Bharat Petroleum Corporation. There was a decree of possession against Bharat Petroleum Corporation. Then warrant of possession was issued. Apparently, present petitioner had no right in that land, but he claims that he has made construction of shed over that land. Bharat Petroleum was not there to obstruct the execution of decree of possession. The record shows that on one occasion, due to the lock to the shed the officer of the Court

had returned back, but subsequently they went there and possession was given to the decree holder. Allegation is made that forcibly he was dispossessed and his articles were taken away. With these allegations, private complaint was filed. The learned J.M.F.C. made order of investigation under section 156 (3) of Cr.P.C. It appears that after making investigation, police filed report that there was no right to the complainant and he had gone up to the Supreme Court to challenge the decision of removal of encroachment and the decree. He could not obtain any order from competent court in respect of so called encroachment. The report shows that on the day when the possession was taken over, the petitioner was not present in the property, but only to harass the decree holder he filed the private complaint. Police did not find any substance after making investigation which was ordered by learned J.M.F.C. Thus, nothing remains in the matter. The petition stands dismissed.

[M.G. SEWLIKAR, J.]

[T.V. NALAWADE, J.]

ssc/