

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

WRIT PETITION NO. 830/2019

Arun s/o Rambhauji Kapre and others

Vs.

The Collector, Nagpur and others

.....
Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders
.....

Court's or Judge's order

Shri B.M. Kharkate , Advocate for the petitioner.

Smt. A.R. Kulkarni, AGP for the respondent Nos. 1 and 4.

Shri V.V. Ingle h/f Shri R.R. Chabra.

CORAM : **R.K. DESHPANDE &
AMIT B. BORKAR, JJ.**

DATED : **30th January, 2020.**

The petitioner seeks direction to the respondents for removal of unauthorized construction on public utility land. On 31.01.2019, we have passed an order as under

“Issue notice to the respondents for final disposal of the matter returnable on 14.03.2019.

The learned Assistant Government Pleader waives service of notice to the respondent Nos. 1 & 4.

It is urged that the construction on Samaj Bhavan, Maroti Temple and Buddha Vihar is being carried out on the land for public utility. If it is found that the construction is contrary to the Rules and

Regulations and directions issued in any of the public interest litigation, the same shall have to be demolished. Hence, any further construction shall be at the risk of the respondents.”

In response to the order passed by this Court the respondents Nagpur Municipal Corporation as well as Collector have also filed affidavits stating that the structures in question are included in List “A” category of structures which cannot be removed. The decision is taken by the Competent Authority.

Therefore, we do not find any interference is required in the matter.

The Writ Petition is dismissed.

JUDGE

JUDGE

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