

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

WRIT PETITION NO. 3571 OF 2020

Jai Shri Dadaji Dhuniwale Sewa Samiti

vs.

State of Maharashtra and others

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

Court's or Judge's orders

Mr. Sudhir Malode, counsel for petitioner.
Ms. T. H. Khan, AGP for respondent State.

CORAM : MANISH PITALE J.

DATED : 21/12/2020

The petitioner in the present case has challenged impugned order dated 17/03/2020, whereby an appeal filed by the petitioner was dismissed, the orders of the Sub Divisional Officer and Collector are confirmed and the Sub Divisional Officer was directed to carry out measurement and thereafter, if any unauthorized construction was observed, to take action in respect of the same as per Rules.

2. The learned counsel for the petitioner has expressed an apprehension that the effect of the impugned order would be that construction undertaken by the petitioner may be demolished, because the basis of measurement by the Sub Divisional Officer may be flawed.

3. This Court is of the opinion that the grievance of the petitioner can be addressed by issuing appropriate direction to the Sub Divisional Officer, but, this Court is not convinced that any interfere is warranted in the impugned order. In fact, the learned counsel for the petitioner submits that the petitioner did not undertake any construction during the pendency of the proceeding before the authorities below and according to the petitioner there is, in fact, no unauthorized construction.

4. In view of the above, the writ petition is dismissed. But, at the same time, the Sub Divisional Officer, Morshi, is directed to undertake measurement strictly in accordance with law, after putting the petitioner to notice and granting adequate opportunity to the petitioner to raise objections, if any, to the manner of measurement being undertaken. If such objections are raised on behalf of the petitioner, they shall be decided and thereupon the Sub Divisional Officer will take consequential action.

5. The writ petition is disposed of in above terms.

JUDGE