

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
935 WRIT PETITION NO.4188 OF 2021**

AVAN HAIWAN KALE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Kamaludding N. Farooqui, Advocate for the
Petitioner.

Mr. K. N. Lokhande, AGP for Respondents-State.

...
**WITH
CIVIL APPLICATION (STAMP) NO.14325 OF 2021
IN
WRIT PETITION NO.4188 OF 2021**

DAGDU NANA WALEKAR

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. M. S. Bhosale, Advocate for the Petitioner.

Mr. K. N. Lokhande, AGP for Respondents-State.

...

**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATED : 08th JUNE, 2021.

PER COURT:-

1. The present petition is filed seeking direction against respondent no.3 to decide the application filed by him for removal of the encroachment.

2. The intervention application is filed by the brother of the petitioner against whom encroachment is alleged and he states that on

04.06.2021 the notice is issued to him for removal of the encroachment on the ground that this Court passed order in Writ Petition No.3461/2020.

3. It is made clear that, this Court had not passed any order in Writ Petition No.3461/2020 directing the Authority to remove the encroachment. We have not concluded about the encroachment on particular land.

4. It is for the Authority to take decision in accordance with law after verifying the factum of the encroachment or otherwise. The principles of natural justice are required to be followed. As the Tahasildar has already taken steps, we do not want now to consider the petition. It is for the intervenor to take appropriate steps.

5. With the above observations, writ petition is disposed of. No costs.

6. In view of disposal of writ petition, present civil application stands disposed of.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE