

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 4966 OF 2021

Shivdarshan Gundappa Birajdar
and others

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

Shri Girish L. Awale, Advocate for Petitioners.

Mrs. M. A. Deshpande, Addl.G.P. for Respondent Nos. 1 to 3.

**CORAM : S. V. GANGAPURWALA AND
R. N. LADDHA, JJ.**

DATE : 12TH JULY, 2021.

ORDER :

. Heard.

2. The learned counsel for petitioners submits that the decision is not taken by the respondents about the claim of the petitioners of allotment of open space. The petitioners are occupying open space in other Government land. Till open space allotted to the petitioner, the petitioner may not be disturbed from the existing place.

3. The learned Additional Government Pleader, instructions states that the proposal is forwarded to the Divisional Commissioner and the same is pending with the Divisional Commissioner for decision. The learned Additional Government Pleader further submits that, in fact, the petitioners have made

some encroachment on on the Government land.

4. The petitioners shall give an undertaking before the Additional Commissioner, with regard to the allotment of open space, the petitioners shall vacate the existing open space occupied by them. The Commissioner shall take decision in respect of the proposal submitted to him expeditiously and preferably within a period of four (04) months from today.

5. In the light of the above, the writ petition is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

bsb/July 21