

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

WRIT PETITION NO. 5064 OF 2021

Gurprasad Govindrao Gursali .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri N. L. Jadhav, Advocate for the Petitioner.

Shri A. R. Kale, A.G.P. for Respondent Nos. 1 and 2.

Shri S. G. Jadhavar, Advocate for the Respondent No. 3.

Shri M. P. Kale, Advocate for the Respondent No. 4.

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

DATE : 20TH OCTOBER, 2021.

FINAL ORDER :

. Mr. Jadhav, the learned advocate for the petitioner submits that, the encroachment is made on public road. The action is not taken by the Nagar Panchayat to remove the encroachment on public road.

2. Mr. Kale, the learned counsel appears for the respondent No. 4.

3. Mr. Jadhavar, the learned counsel for the respondent No. 3 submits that, nagar panchayat has moved the respondent No. 5 for measurement and has also deposited measurement fees. It is only after measurement, the aspect of encroachment can be

culled out.

4. It appears that, the date of measurement has also been fixed on 22nd November, 2021 by the respondent No. 5. The encroachment may be carried out in accordance with law on the said date. The measurement report shall be submitted by the office of the respondent No. 5 to the respondent No. 3 within a period of one (01) month from the date of carrying out measurement. The parties may take further steps in tune with the measurement report and in accordance with law. The parties are expected to adhere to the principles of natural justice.

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

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

bsb/Oct.21