

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

920 WRIT PETITION NO.4117 OF 2020

**DILIP MURLIDHARRAO WATTAMWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioner : Mr. Mukhedkar Amit A.
AGP for Respondent Nos.1 & 3 : Mr. P.G. Borade
Advocate for Respondent No.2 : Mr. S.S. Bora
Advocate for Respondent No.5 : Mr. A.S. Shelke
Advocate for Respondent No.7 : Mr. Narendra B. Patekar
Advocate for Respondent No.8 : Mr. M.M. Patil (Beedkar)
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**CORAM : RAVINDRA V. GHUGE &
S.G. MEHARE, J.J.**

DATED : 15th SEPTEMBER, 2021

PER COURT :-

1. The petitioner has put-forth prayer clause (B) and (C) which reads as under:

“B. By issuing a Writ of Mandamus, or any other Writ or order of a like nature, the respondent nos.2 to 5 may please be directed to immediately remove the unauthorized developments made by respondent nos.6 and 7, below the high tension electric line upon land bearing Survey no.22/3, situated at Rangnath Maharaj Nagar, Parbhani.

C. The respondent nos.2 to 5 may also be directed to make access way available to the petitioner, for approaching towards plot of petitioner bearing plot no.2, situated at Survey no.22/3, Rangnath Maharaj Nagar, Parbhani, by removing unauthorized developments made upon pathway towards western side of plot no.2 of the petitioner and made below the high tension electric line located towards northern side of the plot of the petitioner, bearing plot no.2, Survey no.22/3 situated at Rangnath Maharaj Nagar, Parbhani.”

2. In similar circumstances involving the same Municipal Corporation of Parbhani in Writ Petition No.5021 of 2012, this Court (Coram : Dipankar Dutta, CJ and Ravindra V. Ghuge, J.) has passed an order on 21.01.2021. We deem it apposite to reproduce paragraph nos.2, 3 and 4 of the said order hereunder:

“2. It is indeed surprising that during the period of nearly 8 years, this writ petition has remained pending, the Municipal Corporation has been in slumber. Show cause notice having been issued on 22/08/2012 and no order of injunction having been passed by this Court restraining the Corporation from proceeding further, we would have expected the Corporation to take the notice issued by it to a logical conclusion in the meanwhile.

3. Be that as it may, this writ petition stands disposed of with a direction upon the Commissioner to put the parties i.e. the respondent Nos. 3 and 4 (persons allegedly responsible for raising unauthorized construction) and the petitioner (complainant), on notice. After hearing the parties and upon such inspection as may be considered necessary, the Commissioner shall pass a final order disposing of the proceeding in accordance with law. This order shall be complied with as early as possible, but not beyond 6 weeks from date of receipt of its receipt.

4. If any application has been filed by the respondent Nos. 3 and 4 for regularization of unauthorized construction, it may also be considered in accordance with law.”

3. In the light of the above, this petition is disposed off with a similar direction as is set out in paragraph nos.3 and 4 reproduced above.

(S.G. MEHARE. J.)

(RAVINDRA V. GHUGE, J.)

Mujaheed//