

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4872 OF 2018
WITH CA/1074/2021 IN WP/4872/2018 WITH CA/1075/2021 IN WP/
4872/2018

VILAS MARUTI PAWAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.D.A.Bide, Advocate for the petitioners.
Mr.S.R.Yadav, AGP for respondent Nos. 1 to 3.
Mr.K.N.Lokhande, Advocate for respondent No.4.

(CORAM : RAVINDRA V. GHUGE &
S.G. MEHARE, JJ)

DATE : NOVEMBER 23, 2021

PER COURT :

1. This petition pertains to an allegation of encroachment committed by certain encroachers on the Government plots/lands and the public road.

2. The learned Advocate representing the Municipal Corporation has entered an affidavit in reply dated 23/11/2021 through Ram Laxmikant Charthankar, Assistant Director, Town Planning, which indicates that the alleged encroachers had preferred RCS No.919/2012

which has been decided by the learned Trial court vide Judgment dated 20/01/2016. By the said judgment, the suit has been partly decreed and the defendants are restrained from disturbing the possession of the plaintiffs and from demolishing the building, except by following the due process of Law.

3. The learned AGP and the learned Advocate for respondent No.4 submit that they have already issued notices to the concerned plaintiffs/encroachers and are following the Law as is prescribed under sections 52, 53 and 54 of the Maharashtra Regional Town Planning Act, 1966 and Sections 240(1) and (2) and Section 478 of the Bombay Municipal Corporations Act, 1949 and the law applicable.

4. In view of the above, the purpose for which the petition has been filed, is achieved. The same is therefore disposed off.

5. Pending civil applications, do not survive, and stand disposed off.

(S.G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)