

(1)

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

12 WRIT PETITION NO.7377 OF 2020

SHAIKH SHABNOOR BEE  
VERSUS  
THE EXECUTIVE ENGINEER AND ANOTHER

...

Mr M. A. Latif, Advocate for petitioner;  
Mr D. S. Manorkar, Advocate for respondent No.1;  
Mr S. B. Pulkundwar, A.G.P. for respondent No.2/State

**CORAM : RAVINDRA V. GHUGE  
AND  
AVINASH G. GHAROTE, JJ.**

**DATE : 21st June, 2021**

**PER COURT:**

1. The petitioner has put forth prayer clause 'B', which reads as under:

*“(B) The Respondents be directed not to take possession of the land of Petitioner i.e. Survey No.90/1, admeasuring 6 Acres, 12 Gunthas, situated at Sillod Town, Dist. Aurangabad without following the due procedure established by law.”*

2. The petitioner has placed on record a notice dated 23/08/2019, received by him from the Executive Engineer, National Highway Department, Jalna. What we find from the said notice is that the petitioner has been called upon to remove the encroachment that he

(2)

has made over a distance of 15 meters from the centre of the road. The learned Advocate for the petitioner submits that the petitioner has not indulged in any sort of encroachment and ever since the issuance of the notice, till this date, no steps have been taken by the signatory to the said notice. He, however, submits that the petitioner is prepared to enter a specific reply to the said notice and would tender the said reply/representation to the Executive Engineer, National Highway Department, Jalna, within ten days from today.

3. As such, this petition is disposed off. The petitioner shall tender a reply/representation to respondent No.1, on or before the 3<sup>rd</sup> day of July, 2021. After receipt of the said reply/representation, respondent No.1 shall decide the same strictly in accordance with the law applicable. We make it clear that we have not expressed any opinion on the merits of this matter.

**(AVINASH G. GHAROTE, J.)**

**(RAVINDRA V. GHUGE, J.)**

sjk