

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

WRIT PETITION NO.512 OF 2021

**VILAS KADU SURWADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioner : Mr. S. B. Bhapkar
AGP for Respondents – State : Mrs. V. N. Patil Jadhav
Advocate for Respondent No.3 : Mr. Naseer Shaikh
...

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

DATE : 15TH SEPTEMBER, 2021

PER COURT :

1. Mr. Bhapkar, learned advocate for the petitioner, submits that people from the village Mondhale, Tq. Bhusawal, District Jalgaon, had made encroachment on the Highway. No steps are taken either by the State Government or the Village Panchayat for removing of it.

2. The learned AGP refers to the affidavit filed by Respondent No.2 – Sub-Divisional Engineer, Public Works Department, Bhusawal, District Jalgaon and submits that the encroachments are removed. Paragraph No.5 of the said affidavit reads thus :-

“5. I say and submit that, in pursuance to the notices dated 24-5-2019 the encroachers have removed their encroachments which is evident

from the photographs and the shops are beyond the State High-way No.270 having width of 50 mtr. The copies of the photographs are annexed herewith and marked as **EXHIBIT R-2** collectively. Hence this affidavit.”

3. It is stated on the affidavit that encroachers have removed the encroachments and the shops are beyond the State Highway No.270 having width of 50 Meter. The photographs are filed and relied upon.

4. In view of the said statement made on affidavit that the encroachments are removed and are not on the State Highway, no further orders are necessary.

5. In case the contentions in the affidavit appears to be false, the petitioner will have the right to take further steps.

6. Writ petition is disposed of accordingly. No costs.

(R. N. LADDHA, J.)

(S. V. GANGAPURWALA, J.)