

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6354 OF 2022

ALKA ASHOK DEORE

..PETITIONER

VERSUS

THE CHIEF OFFICE AND OTHERS

..RESPONDENTS

...

Mr. Amit A. Yadkikar, Advocate for the Petitioner.

Mr. S. G. Snagle, AGP for Respondents-State.

...

CORAM : RAVINDRA V. GHUGE

AND

ANIL L. PANSARE, JJ.

DATED : 23rd JUNE, 2022.

PER COURT:-

1. The petitioner alleges encroachment.

Prayer Clause 'B' reads as under:-

"By way of a Writ of Mandamus or any other Writ, this Hon'ble may kindly be pleased to issue directions to the Respondent Authorities to act upon the Representations dated 14.03.2022 made by the Petitioner and thereby remove the illegal structure and encroachment upon the land more particularly described in the said representations."

2. Considering the extraordinary writ jurisdiction of this Court, it is not expected to go into a matters of disputed encroachments which involve disputed issues.

3. Normally this Court would not entertain such a petition. However, the petitioner submits that a representation is made on 14.03.2022 to respondent no.1, requesting the Authority to exercise it's powers in relation to encroachment. He prays that the representation dated 14.03.2022 tendered to respondent no.5 may be decided by the said Authority.

4. In view of the above, this petition is disposed off. In the event respondent no.5 has the jurisdiction to decide an issue of encroachment, it would consider the representation dated 14.03.2022 as expeditiously as possible and preferably on or before 30.09.2022.

5. In the event the grievance of the petitioner is still not redressed, she would be at liberty to approach the Civil Court by filing a Civil Suit for seeking removal of encroachment.

(ANIL L. PANSARE)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE