

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

38 WRIT PETITION NO.7072 OF 2021

**M/S RAMKRUSHNA COMMERCIAL COMPLEX THR ITS PROPRIETOR
RAMESHWAR KANHAIYALAL BHARUKA
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioner : Mr. Talhar Ajay G.
AGP for Respondents : Mr. S.B. Pulkundwar
Advocate for Respondent Nos.2 & 3 : Mr. S.S. Deve
Advocate for Respondent Nos.4 & 5 : Mr. S.D. Deshpande

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**CORAM : A.S. GADKARI &
S.G. MEHARE, J.J.**

DATED : 31st JANUARY, 2022

PER COURT:-

1. In view of the deliberation which took place on earlier occasion, Mr. S.S. Deve, learned advocate for respondent nos.2 and 3 submitted that, the Officers of respondent no.2 will assist the Officers and staff of respondent nos.4 and 5 in removing the encroachment on the access road of the plot in question, on 28.02.2022.

He tendered across the bar a photo copy of the letter dated 17.01.2022 addressed by respondent no.3 to him. Names of four Officers have been mentioned in the said communication who would assist the respondent nos.4 and 5 in the drive for removing encroachment on the approach road of the concerned plot i.e. P-77 in Chikhalthana Industrial Area. The said letter is taken on record.

2. In view of the said communication dated 17.01.2022, prayer clause (C) of the present petition has been worked out.

3. As far as prayer clause (E) of the petition is concerned, as there was encroachment on the access road of plot of land allotted to the petitioner and which we expect will be removed on 28.02.2022 by all the concern, the petitioner may get benefit of clause no.3 of circular dated 06.03.2013 issued by the MIDC. Petitioner is at liberty to file appropriate application before the competent Authority of MIDC in consonance with the said circular dated 06.03.2013.

4. In view of the above, at this stage nothing further survives in the petition.

Petition is accordingly disposed off.

5. Before parting with the order, it will not be out of way to observe that, we expect all the concerned Authorities to coordinate amongst themselves in completion of the said drive on 28.02.2022.

(S.G. MEHARE. J.)

(A.S. GADKARI, J.)