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

WRIT PETITION NO.5987 OF 2022

**SHAIKH DASTAGIR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

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Mr C. V. Thombre, Advocate for petitioners;
Mr A. R. Kale, A.G.P. for respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
ANIL L. PANSARE, JJ.**

DATE : 14th June, 2022

PER COURT:

1. By this petition, the petitioners have put forth prayer clauses (B), (C), (D) and (E), as under :-

“B) By issuing appropriate Writ or Order or direction in the like nature, the Respondents may be directed to execute and implement the decision dated 12.09.2018 taken in the meeting which was held under the Chairmanship of Collector and other Officers. And not to take steps for removal of encroachment as per the notice dated 27.05.2022 issued to the Petitioners.

C) By issuing appropriate writ or order the impugned notices dated 27.05.2022 issued to the Petitioners under Section 180 (40) and 181 of Maharashtra Municipal Councils, Nagar Panchayat and Industrial Township Act, 1965.

D) Pending hearing and final disposal of this Petition, the execution and implementation of the

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notices dated 27.05.2022 issued by the Respondent No. 3 for removal of encroachment by the Petitioners from the premises by using the power of Police Force of Ahmedpur, Tq. Ahmedpur, Dist. Latur may kindly be stayed.

E) Pending hearing and final disposal of this Petition, till the execution and implementation of the decision taken by the Respondent No. 2 & 3 in the meeting dated 12.09.2018, the Respondent No. 2 & 3 may kindly restrained from removing the Petitioners from the premises allotted to them on rent to the extent of 10/15, 10/20 and 10/10 on Survey No. 39/1/1 meant for Vastivadh (extension of Municipal area) of Ahmedpur, Tq. Ahmedpur, Dist. Latur.”

2. We have considered the submissions of the learned Advocate for the petitioners and have perused the pleadings set out in the memo of the petition. Tacitly, the petitioners concede that they are encroachers. It is also stated across the bar that 10 years ago, such a drive for removal of encroachment was initiated and these petitioners were issued with notices. However, thereafter, no steps were taken.

3. Considering the above, we do not find that this is a fit case for exercising our extraordinary writ jurisdiction. This petition is, therefore, dismissed.

4. At this stage, the learned Advocate for the petitioners submits that the petitioners desire to withdraw this petition and pursue the District Collector and/or the Chief Officer. We, therefore, do not desire to make any comment on such a statement. However, for the satisfaction of the petitioners, this petition is disposed off, as withdrawn.

(ANIL L. PANSARE, J.)

(RAVINDRA V. GHUGE, J.)

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