

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8503 OF 2022

SALEEM GAFOOR SHAIKH
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

Mr.S.S.Shaikh, Advocate for the petitioner.
Mr.S.G.Karlekar, AGP for State.

(CORAM : RAVINDRA V. GHUGE AND
ARUN R. PEDNEKER, JJ.)

DATE : AUGUST 22, 2022

PER COURT :

1. The petitioner has put forth prayer clause B, C and D as under :-

"B. By issuing writ of certiorari or any other writ, order or directions in the like nature, the respondent Nos. 1 to 5 be directed to take action against the encroachment and illegal construction carried out by the respondent Nos. 6 to 9 as well as the officials of the Municipal Corporation, Aurangabad, over the petitioner's plot bearing CTS No.9366 situated at Qaisar Colony, Aurangabad thereby deciding the representation dated 14.07.2022 given by the petitioner to the respondent Nos. 1 to 5.

C. The respondent Nos. 4 and 5 be directed to grant compensation to the petitioner, with appropriate interest, for illegally laying down drainage and water supply pipeline and also paver block lane over the

said plot of the petitioner.

D. Exemplary costs may kindly be imposed on the respondent Nos. 4 and 5 for not taking actions on more than 20 representations given by the petitioner, during the period 2016 to 2022."

2. Grievance is that respondent Nos. 6 to 9 as well as the Corporation have encroached upon the property of the petitioner and have indulged in illegal construction. The Corporation is half heartedly taking steps.

3. In matters where the property of the petitioner is involved and the issue as regards the title and encroachment as well as building permission is concerned, disputed issues are bound to crop up. It would be appropriate for the petitioner either to approach the Municipal Corporation or prefer a suit for seeking appropriate decision from the Civil Court as against those who have encroached upon his property and have resorted to an illegal construction.

4. With the above liberty being available to the petitioner, this petition is disposed off.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)