

(1)

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

WRIT PETITION NO.10850 OF 2022

**MOHAMMED JAVED MOHAMMED YUSUF
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

....

Mr H. I. Pathan, Advocate for petitioner;
Mr S. G. Sangle, A.G.P. for respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
SANJAY A. DESHMUKH, JJ.**

DATE : 20th October, 2022

PER COURT:

1. The petitioner has rushed to this Court, seeking a stay to the notice dated 15/09/2022, by which the R.D.C., Jalna, has directed the Chief Officer of the Nagar Parishad, Jalna, to take steps to remove the illegal constructions of the religious structure, narrated in the said notice. The petitioner has not personally received any notice to remove any encroached portion.

2. Nevertheless, the learned Advocate for the petitioner submits that the the petitioner has tendered his detailed representation dated 29/09/2022, contending therein that the Panchnama that was carried out on 12/09/2022, which is the basis

(2)

of the communication/notice dated 15/09/2022 by the R.D.C. to the Chief Officer, indicates that the petitioner's religious structure has not indulged in any encroachment.

3. In view of the above, this petition is disposed off.

4. We expect respondent Nos.2 and 4, to consider the representation of the petitioner and after taking into account each and every contention put forth by him, which should be verified, an appropriate decision, in accordance with the provisions of law, should be arrived at by them. Needless to state, the principles of natural justice and the right of hearing, if any, should be adhered to, while removing any illegal structure, commonly known as an encroachment.

(SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)

sjk