

(1)

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

946 WRIT PETITION NO.11583 OF 2019

ANJANA DNYANDEO SHIROLE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

....

Mr D. R. Jayabhar, Advocate for petitioners;
Mr S. G. Sangle, A.G.P. for respondents

**CORAM : RAVINDRA V. GHUGE
AND
S. G. DIGE, JJ.**

DATE : 5th May, 2022

PER COURT:

1. The petitioners have put forth prayer clauses (C), (C), (D) and (D), which read as under :-

“C) The respondent No.2 to 4 may kindly be restrained from taking possession of petitioners shop/ land till the final disposal of the instant writ petition.

C) The respondents No. 2 to 4 may kindly be restrained from taking over the possession of the shops / land situated at Kada, Tq. Ashti, Dist. Beed.

D) The respondent No. 2 to 4 may kindly be directed to initiate the Land Acquisition proceeding and compensate them.

D) The respondents No.2 to 4 may kindly be directed to pay the compensation of their acquired shops/ land at Kada Tq. Ashti, Dist. Beed.”

2. We have considered the submissions of the learned Advocates for the respective sides. We have perused the impugned notices, issued to the petitioners. Each of them is found to have caused a construction within 10 mtrs. of the road. They have, therefore, been issued with the impugned notices, for removal of the encroachment. In clause (6) of the notice, they are given liberty to produce the revenue record, to indicate that they have been granted the building permission. However, the petitioners rushed to this Court and after this Court granted an ad interim protection on 23/09/2019, this matter has not even been circulated. This Court has observed in the said order that, if the petitioners are legitimately and legally occupying their land and the constructions over the land, then the respondents shall not dispossesses them without following the due procedure.

3. The learned Advocate for the petitioners submits that, the petitioners would approach the Sub Divisional Engineer, PWD, Sub Division, Jamkhed and produce proof of being the title holders of the plot, as well as having legitimate building permission.

(3)

4. In view of the above, this petition is disposed off with the following directions :-

(a) The petitioners shall appear before the District Collector, Ahmednagar, for putting forth their explanation along with the valid building permission, on 13/05/2022 at 12.00 noon and also supply copies of the explanation to the Executive Engineer, PWD, Ahmednagar.

(b) The Competent Authority shall consider the explanation of the petitioners and the documents, that they would tender, and thereafter, pursuant to due verification of it's record, shall pass a reasoned order, on or before 31/05/2022.

(c) The conditional ad interim protection, granted by this Court, would continue only till 31/05/2022.

(S. G. DIGE, J.)

(RAVINDRA V. GHUGE, J.)