

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO.11309 OF 2022  
(Shaikh Rais Amiruddin and others Vs. The State of Maharashtra and  
others)

Mr.C.V.Thombre, Advocate for the petitioners.  
Mr.S.G.Karlekar, AGP for the State.

( CORAM : RAVINDRA V. GHUGE AND  
SANJAY A. DESHMUKH, JJ.)  
DATE : NOVEMBER 15, 2022

PER COURT :

1. These petitioners, who are admittedly encroachers, have challenged notices dated 11.11.2022 received on 12.11.2022, by which they have been called upon to remove the encroachment by themselves, failing which, the authorities would be using the Government Machinery to remove such encroachments.

2. When this matter was heard today after the lunch recess, the learned AGP submitted on instructions from the local administration that the encroachments have been removed keeping in view the orders passed by this Court at the Principal Seat in Suo-moto PIL No.2/2022 and in the light of the law laid down in **Jagpal Singh and others Vs. The State of Punjab and others (2011) 22 SCC 396.**

3. The learned Advocate for the petitioners submits that earlier they had been issued with such notices in 1994. Reg.Civil Suit No.240/1994 was preferred before the learned Civil Judge, Jr.Division at Gevrai. By judgment and decree dated 29.02.1996, the Municipality was restrained from dispossessing the plaintiff and was granted liberty to adopt the due process of Law in the event the encroachments had to be removed. Subsequently, some of the petitioners received notices in 2000. They preferred RCS No.400/2020. The same is still pending before the learned Civil Judge, Sr.Division at Beed.

4. Since the encroachment is said to have been removed, the learned Advocate for the petitioners submits that the petitioners desire to withdraw this petition with liberty, either to challenge the impugned notices in the pending civil suit before the Trial Court or to approach this Court at the Principal Seat in Suo-Moto PIL No. 2/2022, which is scheduled for a hearing on 17.11.2022.

5. Considering the above request, this petition is disposed off as withdrawn on instructions.

( SANJAY A. DESHMUKH, J. )

( RAVINDRA V. GHUGE, J.)