

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL WRIT PETITION NO. 6239 OF 2022

Bhimarao Baburao Varane	...Petitioner
V/s.	
State of Maharashtra and Ors.	...Respondents

Ms. Manasi Pilankar i/b. Mr. Raman Kamble, for the Petitioner.
Ms. K. N. Solunke, AGP for Respondent / State.

**CORAM : PRASANNA B. VARALE AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 5 JULY 2022

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. Heard the learned counsel appearing for the Petitioner.

2. The learned counsel for the Petitioner vehemently submitted before this Court that the Petitioner is a member of marginalised sector of the society and working as a broom worker at Ashta Municipal Council for a considerable length of period for nearly 28 years. The Central Government floated a scheme with a loudable object so as to provide the houses either to landless or the lower income group and the scheme is known as Pantpradhan Gharkul Awas Yojana. It is then submitted by the

learned counsel for the Petitioner that he is beneficiary of scheme namely Jawaharlal Nehru Nagari Punurutthan Abhiyan. It is submitted by the learned counsel that pursuant to the said scheme Respondent Ashta Municipal Council started providing the plot area to the tune of 150 square meter. A public notice of the said scheme was also issued. Copy of the said notice is placed on record at Exh.C page 30. The State Government was the implementing agency of the Central Government scheme and the copy of relevant Government Resolutions dated 25 June 2007 is also placed on record. The learned counsel for the Petitioner submits that the Petitioner offered his share and deposited certain amount with the Respondent Ashta Municipal Council. Amount of Rs.1,000/- deposited with Ashta Municipal Council, copy of receipt is placed on record at page 56. The learned counsel then invited our attention to copy of another receipt to submit that the Petitioner subsequently deposited Rs.5,000/-. Copy of receipt is placed on record at page 57. Then certain photographs are also placed on record to submit that the Petitioner constructed the house and residing in the house. The learned counsel for the Petitioner then submitted that Respondent No.4 who was also one of the allottee initially constructed the house as per permitted area and subsequently without obtaining any legal permission Respondent No.4 extended construction of his house and erected the additional two floors. It is the grievance of the Petitioner that the extended area of the construction is beyond permissible limits

without having any legal permission and the part of this construction is encroached upon in the area of the Petitioner.

3. The learned counsel for the Petitioner invited our attention to the copies of representations placed on record and submitted that the Petitioner firstly approached the Respondent No.2 Chief Executive Officer, apprised the officer about the encroachment and further requested for removal of the encroachment. The said representation was received by Respondent No.2 on 9 March 2022. Copy of the same is placed on record at page 66. It seems that on the same day i.e. on 9 March 2022, the Petitioner submitted representation to the Respondent No.3 District Collector Sangli. The perusal of representation to the District Collector show that Respondent No.2 CEO Ashta Municipal Council directed for spot inspection and spot inspection dated 7 February 2022 was submitted to the Respondent No.2. In pursuant to the said report, Respondent No.2 issued notice dated 11 February 2022. The grievance of the Petitioner is that inspite of apprising the Competent Authority and raising grievance before the Competent Authority, no action has been taken against the Respondent No.4 and the Authorities are seating over the representations. Considering this limited grievance of the Petitioner, we deem it appropriate to dispose of the writ petition with direction to Respondent Nos.2 & 3. We are of the opinion that these directions would not cause any prejudice to the

Respondents as this Court has not observed on the merits of the claim of petitioner and referred to only the factual aspects submitted before this Court. Accordingly, writ petition is disposed of with direction to Respondent Nos.2 & 3 to consider the representations filed at the instance of Petitioner on 9 March 2022 and to pass appropriate orders. Needless to state that Respondent Nos.2 and 3 may call for record or report from their subordinate officers and giving an equal opportunity of hearing to the parties. With these directions, the petition is disposed of. Authenticated copy be supplied to the counsel for the Petitioner as well as to the learned AGP. Parties to act on the authenticated copy.

(SHRIKANT D. KULKARNI, J.)

(PRASANNA B. VARALE, J.)