

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

WRIT PETITION NO.8633 OF 2019

Yogesh Sitaram Dorle and ors. ... Petitioners

V/s.

District Collector, Solapur and ors. ... Respondents

Mr.Hrishikesh Sopan Shinde, Advocate for the Petitioners.
Mr.C.K.Bhangoji i/by Mr.Hamid D. Mulla, Advocates for the
Respondent Nos.2 and 3.
Mr.V.S.Gokhale, "B" Panel Counsel for the State.

**CORAM : S. V. GANGAPURWALA AND
VINAY JOSHI, JJ.
DATE : 5th APRIL, 2022.**

P.C.:-

1. The contention of the learned counsel for the Petitioners is that the land of the Petitioners is acquired. The compensation is also received by the Petitioners. However, the Municipal Council is not widening the road abetting to the Petitioners' property by removing the illegal construction on the proposed DP road. The learned counsel for the Municipal Corporation submits that on 2nd November, 2019 notice was issued to the Petitioners to remove illegal construction from his plot or else the Municipal Council will remove it at the cost of the Petitioner. The learned counsel for the Municipal Council further submits that adjoining owner of the Petitioners has approached the Civil Court and has got order of stay.

2. The Petitioners have received the compensation amount. It is for the Municipal Council to take possession of the land. If at all illegal construction is existing on the land of the Petitioners, the

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Municipal Council may remove it at the cost of the Petitioners. Municipal Council has power to remove the construction in accordance with law.

3. We hope that Municipal Council shall exercise its power to remove the illegal construction, if the same is on the DP road and there are no prohibitory orders of the Court.

4. Writ Petition is disposed of. No costs.

(VINAY JOSHI, J.)

(S.V.GANGAPURWALA, J.)

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