

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 3278/2019

1. Hemlata Chetan Gattani,
Aged 59 years. Occupation-Household,
R/o. Near Rajapeth Police Station,
Above Bank of Maharashtra, Badnera Road,
Amravati.
2. Dr.Anil Prabhudayal Dhamorikar,
Aged 45 years, Occupation-Business,
R/o. Opp. I.T.I., Morshi Road, Amravati.
3. Hemlata Anil Agrawal,
Aged 59 years, Occupation : Household.
Near Choudhary Chowk,
College Road, Amravati.
Taluka and District Amravati.

..... **PETITIONERS**

...V E R S U S...

1. Raju Bhimrao Wadhonkar,
Aged 38 years, Occupation-Labour.
2. Gopichand Fulchand Kumre,
Aged Major, aged 60 years, Occupation-Labour.

Respondent nos. 1 and 2, R/o. Madangopal Wada,
Khaparde Bagicha, Amravati.
3. Municipal Corporation, Amravati.
Through its Commissioner,
Tq. and District Amravati.
4. Deputy Engineer, Zone 2,
Rajapeth, Amravati Municipal Corporation,
Amravati.

5. The In-charge, Encroachment Department,
Chaprasipura, Amravati Municipal Corporation,
Amravati.

..... **RESPONDENTS**

Shri R.D.Hajare, Advocate for petitioners.

Shri H.M.Sakhare, Advocate for respondent nos. 1 and 2.

Shri R.D.Dharmadhikari, Advocate for respondent nos. 3 to 5.

CORAM : A.S.CHANDURKAR and SMT. M.S.JAWALKAR, JJ.

DATE : 6th APRIL, 2022.

ORAL JUDGMENT (Per A.S.CHANDURKAR, J.)

Rule. Rule made returnable forthwith and heard the learned counsel for the parties.

2. The respondent Nos. 1 and 2 were issued notice by the respondent No.4-Deputy Engineer-Zone 2, calling upon them to remove unauthorised construction erected by them. This was pursuant to the representations made by the petitioners. Since no further steps pursuant to the said notice dated 14.11.2018 were being taken by the Amravati Municipal Corporation, the petitioners have approached this Court seeking a direction to be issued to the respondent Nos. 3 to 5 to take further steps with regard to the notice dated 14.11.2018.

3. In the reply filed by the respondent Nos. 3 to 5 it is stated that the respondent Nos.1 and 2 have filed R.C.S.Nos. 389 and 390 of 2018

respectively in the Court of Civil Judge, Senior Division, Amravati, which are pending. On this ground, it is stated that no further steps were taken by the Municipal Authorities. On a query made to the learned counsel for the respondent Nos. 3 to 5 as to whether any order of injunction is operating restraining the Municipal Authorities from going ahead with the action proposed by the notice dated 14.11.2018, it is stated that no such order of injunction has been served on the said respondents.

4. In view of aforesaid, in the absence of any order restraining the respondent Nos. 3 to 5 from proceeding ahead with the notice dated 14.11.2018, there is no reason for the Municipal Corporation not to take such further steps.

5. Accordingly, the writ petition is disposed of by directing the respondent Nos. 3 to 5 to take further steps in accordance with law pursuant to the notice dated 14.11.2018 if there is no order of injunction restraining them from doing so.

Rule is made absolute in aforesaid terms with no orders as to costs.

(SMT. M.S.JAWALKAR, J.)

(A.S.CHANDURKAR, J.)