

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
WRIT PETITION NO. 7974 OF 2022

(Vishal Laxman Bawanthade Vs. State of Maharashtra & Ors.)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri S.A. Mohta, Advocate h/f Shri H.D. Futane, Advocate for the petitioner.
Ms. N.P. Mehta, Assistant Government Pleader for respondent Nos. 1 and 2/ State.
Shri M.I. Dhattrak, Advocate for respondent No.3.
Shri P.S. Khubalkar, Advocate for respondent No.4.

CORAM : A. S. CHANDURKAR AND ANIL L. PANSARE, JJ.

DATE : DECEMBER 16, 2022.

Heard.

It is the case of the petitioner that on 2/12/2022, the petitioner was issued a final no objection to operate various items of entertainment/ amusement on plot No.1 admeasuring 962 square meters. This permission is for the duration from 5/12/2022 to 20/12/2022 between 10:00 am to 9:00 pm. According to the petitioner, despite that, respondent No.4 has placed his articles of entertainment/ amusement on the plot allotted to the petitioner. Despite issuing a communication seeking necessary police aid for removal of the alleged encroachment committed at the behest of respondent No.4, no steps were taken by the Chief Officer. Hence, the present proceedings have been filed.

On perusing the documents on record, it reveals that insofar as plot No.1 is concerned, the same has been permitted to operated by the petitioner to the extent of 962 square meters and insofar as respondent No.4 is concerned, plot No.2 is stated to be allotted to the said respondent which is adjoining to plot No.1. For want of clear demarcation, a dispute has arisen with regard to the exact area available to the petitioner and respondent No.4.

In these facts, the Chief Officer, Municipal Council, Deoli shall depute a responsible person so as to demarcate the respective areas allotted to the petitioner at plot No.1 which is stated to be 962 square meters and plot No.2 which is allotted to respondent No.4. If it is found by the Municipal Council that any excess area is occupied either by the petitioner or by respondent No.4, it shall

take steps to restore that area to the original allottee. The petitioner and respondent No.4 shall also co-operate in the matter. Necessary steps in that regard be taken by 17/12/2022.

With these directions, the Writ Petition is disposed of. No costs.

An authenticated copy of this order be supplied to the learned Counsel for the parties.

(ANIL L. PANSARE, J.)

(A. S. CHANDURKAR, J.)

SUMIT