

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

19 PUBLIC INTEREST LITIGATION NO.4 OF 2022

VALMIK RAJARAM GARUDKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.H.F.Pawar, Advocate for the Petitioner.

Mr.D.R.Kale, GP for Respondent Nos. 1 and 2.

Mr.R.S.Deshmukh, Sr.Advocate i/b Mr.Ashraf Patel, Advocate for Respondent No.8.

Mr.A.D.Aghav, Advocate for Respondent Nos. 3 to 6.

Mr.Anand Raka h/f Ms.Medha P. Patel, Advocate for Respondent Nos. 9 to 16, 18 to 34, 36 to 61, 63 to 65, 67 to 73, 75 to 92, 95, 97, 98, 100 to 106, 108, 114, 117, 118, 121, 122, 126,129, 130, 132, 137, 140, 141, 145, 148, 150, 153, 154, 163 to 165, 168, 170 to 177, 179 to 189, 191 to 198.

(CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.)

DATE : AUGUST 17, 2023

PER COURT :

1. Pursuant to our order dated 19.07.2023, the Petitioner has got the notice published in "Daily Sakal", Ahmednagar Edition, dated 07.08.2022. Pursuant thereto, most of the alleged encroachers have caused an appearance. Nevertheless, considering that the public notice is published in the newspaper in order to serve Respondent Nos. 9 to 196, all are deemed to have been served. Office to accept the

Vakalatnama of Ms.Medha Patel, learned Advocate.

2. Issue is as regards alleged encroachment by Respondent Nos. 9 to 196. The Sarpanch and the Gramsevak are alleged to have inducted these persons and have thereby, purportedly, permitted encroachment. The learned Senior Advocate Mr.Deshmukh, representing Respondent No.8 Gramsevak vehemently submits that the Gramsevak is not concerned with this encroachment. He would prove his bona-fides by taking steps for ensuring that the encroachments are removed.

3. The learned Advocate representing Respondent Nos. 3 to 6, the Authorities of the Zilla Parishad, submits that the responsibility may be cast upon Respondent No.4 to initiate appropriate steps for ensuring the removal of encroachment. The CEO of the Zilla Parishad would monitor the said exercise.

4. In view of the above, **this petition is disposed off** with the following directions :-

[a] Respondent No.4 shall initiate steps as are permissible in Law, for

the removal of encroachment.

[b] All the persons alleged to be the encroachers, shall be issued with appropriate notices, as is prescribed in Law.

[c] Respondent No.3 would personally monitor the abovesaid exercise and respondent No.4 would be bound to report to Respondent No.3, on weekly basis with regard to the progress made.

[d] All the stake holders and concerned persons would be granted adequate opportunity of representation and would be permitted to produce their title documents to indicate their ownership or their legally sustainable interest, over the concerned properties.

[e] The above stated exercise would be completed within a period of 150 days.

5. The learned Advocate for the Petitioner submits on instructions that as the Petitioner has deposited Rs.75,000/- in this Court, Rs.10,000/- may be donated to the Advocate Associations' Bar Library, High Court, Aurangabad Bench and the remaining amount, would be withdrawn by the Petitioner alongwith accrued interest, if any. The statement is recorded and the Registry shall transmit the amount of Rs.10,000/- to the Advocate Associations' Bar Library, High

Court, Aurangabad. The Petitioner would withdraw the remainder amount inclusive of accrued interest, under identification by the learned Advocate for the Petitioner.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)