

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

904 WRIT PETITION NO.1366 OF 2023

**KIRAN KASHINATH AVHAD
VERSUS
THE STATE OF THROUGH ITS PRINCIPAL SECRETARY AND OTHERS**

...
Advocate for Petitioner : Mr. Thombre S.S.
AGP for Respondents/State : Mr. PK. Lakhotiya
Advocate for R/2 : Mr. V.S. Bedre
Advocate for R/3 : Mr. S.G. Jadhavar
...

**CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.
DATE : 18th August, 2023**

PC. :-

1. This is one case which surprises us.
2. The Petitioner has filed this Petition to indicate that Respondent No.3 has committed an encroachment on government land while constructing his bungalow. Photographs are placed on record. Respondent No.3 is before us who plainly submits that not only Respondent No.3 has encroached, the Petitioner has also encroached. In response Petitioner fairly states before us that he has also encroached and the Corporation is at liberty to remove the encroachment under full cooperation of the Petitioner, including payment of charges. Respondent No.3 also submits that the Corporation may remove his

entire encroachment portion and he would peacefully cooperate and pay for the expenditure of removal of encroachment incurred by the Corporation.

3. The learned advocate for the Corporation submits that it is the duty of the Corporation to remove such encroachments. However, he has no explanation to offer as to how the encroachment went unnoticed until today. Nevertheless, he expresses that the Corporation would be removing the encroachment within seven days. Both, the Petitioner as well as the Respondent No.3, agree that they would wholeheartedly cooperate with the Corporation for the removal of such encroachment within seven days and make the payment towards expenditure incurred by the Corporation in proportion to their shares.

4. In view of the above statements which are made before the Court, **this petition is disposed off.**

5. We make it clear that neither the Petitioner nor Respondent No.3, would resile from their statements made and no further challenge or grievance would be entertained. Needless to state, the encroachment made by the Petitioner and the Respondent No.3 would be removed on or before 30.08.2023.

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]