

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

903 WRIT PETITION NO.3828 OF 2020

TEJAS CONSTRUCTION AND INFRASTRUCTURE PRIVATE LIMITED
THROUGH PRADIP RAMRAO SHELAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.Amol Joshi, Advocate for the Petitioner.
Mr.S.B.Yawalkar, AGP for Respondent Nos. 1 to 3.
Mr.D.B.Thoke, Advocate for Respondent No.4.

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

DATE : JUNE 9, 2023

PER COURT :

1. We have considered the submissions on behalf of the petitioner and the Respondents. The only relief sought by the Petitioner is in terms of prayer clause B, which reads as under :-

"B. This Hon'ble Court be pleased to issue a writ of mandamus or any order or direction in the nature of writ of mandamus directing Respondent Nos. 1 to 3 to expedite proceedings initiated in pursuance of the Notice dated 20.10.2015, as also to carry out eviction of the shop holders and encroachers in Survey No.4017-C, Chalisgaon, Taluka : Chalisgaon, Dist. Jalgaon."

2. The learned AGP informs us that a notice has now been issued by the Tahsil Office, Chalisgaon, dated 07.06.2023 and steps for removal of encroachments have already been initiated.

3. The learned Advocate for the Petitioner has taken instructions and submits that this petition stands worked out. However, he prays that the Revenue Authorities may be directed to complete the process of removal of encroachment within a time frame since such a drive was resorted to even in 2016 and there has been no development thereafter inspite of the directions of this Court vide order dated 18.08.2016 passed in WP No.4764/2016 filed by the present Petitioner.

4. In view of the above, this **petition is disposed off**. Needless to state, the Revenue Authorities shall refrain from passing on the buck from one office to the other and shall follow the due procedure laid down in Law for the removal of encroachment. We caution the Revenue Authorities that if subsequently it is brought to our notice that there has been unnecessary delay or lapses on the part of the Respondents, we would take recourse to the Maharashtra

Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005, if we are convinced that a particular Officer is guilty of causing deliberate delay.

(Y. G. KHOBRADE,, J.)

(RAVINDRA V. GHUGE, J.)