

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

WRIT PETITION NO. 4236 OF 2023

Abhijeet Shriniwas Pawar
Through G.P.A. Holder
Shriniwas Baburao Pawar .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri Nandkishor J. Pahune Patil, Advocate for the Petitioner.
Shri S. W. Mundhe, A.G.P. for the Respondent Nos. 1 to 4.

**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRADE, JJ.
DATE : 21ST JUNE, 2023.**

PER COURT :

1. The Petitioner has put forth prayer clauses B, C and D as under.

B. The Respondent Nos. 1-5 may kindly be held responsible for illegally demolishing the permanent structure standing on the petitioner's private property without following due process of law.

C. The Respondent Nos. 1-5 may kindly be directed to acquire the property of the petitioner if required for the construction of service road and for that purpose appropriate Writ may kindly be issued.

D. The Resp. No. 5 may kindly be directed to pay compensatory cost of Rs. 50,00,000/- (Rs. Fifty Lakh only) to the Petitioner for illegally demolishing the construction twice and for that purpose necessary Orders may kindly be issued.

2. Having considered the submissions, we find that the

following disputed issues will have to be considered:-

- (a) Whether the permanent structure erected by the Petitioner has a legal and valid building permission ?
- (b) Whether said construction is on the private property of the petitioner ?
- (c) Whether demolition was carried out by following the due process of law ?
- (d) Whether the construction was demolished because it was an encroachment or whether the area on which the construction stood, has been utilized for laying a service road ?
- (e) Whether the loss caused to the Petitioner can be quantified to an amount of Rs. 50,00,000/- ?

3. According to us, the above aspects need initiation of a civil suit before the appropriate Civil Court and recording of evidence.

4. The learned advocate for the Petitioner submits that he would approach the appropriate civil Court for seeking redressal of his grievance and this petition may be disposed off as withdrawn.

5. In view of above, **this petition is disposed off as withdrawn** with liberty to the Petitioner to avail of a remedy as is permissible in law.

[Y. G. KHOBRADE, J.]
bsb/June 23

[RAVINDRA V. GHUGE, J.]