

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

WRIT PETITION NO.11988 OF 2023

KHALIDA YASIN THARA

VERSUS

STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS

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Mr. Shaikh Wajeed Ahmed, Advocate for Petitioner

Mr. P. S. Patil, AGP for Respondent – State

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

DATE : 06.12.2023

PER COURT :-

1. Though the notices dated 14.12.2022 and 19.04.2023 are assailed in a Petition filed on 17.06.2023, which was posted for dismissal, the learned AGP informs us on instructions that the Revenue Authorities have not yet commenced the activity of removing the encroachment.

2. The learned Advocate for the Petitioner submits on instructions that the Petitioner is a purchaser of Gat No.112 in land Survey No.58 to the extent of Municipal House No.4-9-181(old number), H.No.4-9-239 (new number), only to the extent of the plot admeasuring $33 \times 100 = 3300$ square feet. If there is

any structure beyond 3300 sq.ft., the Petitioner has no objection for the said structure to be removed.

3. In view of the above, **this Petition is disposed off** with liberty to the Petitioner to produce the relevant documents and submit an appropriate application to the concerned authority in response to the notice dated 19.04.2023, if not yet submitted, within a period of 15 days. The concerned authority would verify the genuineness of the claim of the Petitioner, and if it is noticed that the Petitioner is a title holder of the property admeasuring 3300 sq.ft., any structure beyond the said plot, would be removed and the Petitioner will not object and would not resist.

4. In the event, the widening of the road leads to the utilization of any portion of the Petitioner's 3300 sq.ft. plot, the Petitioner would be entitled for compensation in the light of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, to the extent the land is acquired.

[Y. G. KHOBRAGADE, J.]
SMS

[RAVINDRA V. GHUGE, J.]