

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 408 OF 2019

Sushma Sanjay Gaikwad
aged-44 years, occu: Household,
An Adult, Indian Inhabitant,
Residing at : 162/13/B, Sachin Nivas
Datta Colony, Shahunagar, Godali,
District-Satara.

.. Petitioner

Vs.

1. The State of Maharashtra
through Government Pleader
Civil Appellate Jurisdiction
Bombay High Court, Mumbai.

2. The Chairman
National Highway of Authority of India,
having its office at G/5 and 6,
Sector-10, Dwarka,
New Delhi-110075.

3. The Tahsildar
Taluka-Wai, District-Satara.

4. The Collector of Satara
having its office at: Near LIC building
Powai Naka, Satara, District-Satara

5. The Sarpanch/Gram Vikas Adhkari
Gram Panchayat : Pachwad,
Taluka-Wai, District-Satara.

6. The Block Development Officer

Panchayat Samittee: Wai,
Taluka: Wai, District-Satara.

7. Jaywant Jaising Pawar

Aged: 51 Years Occupation: Service
An Adult, Indian Inhabitant,
Residing at : C/o,
Bharat Electronics Ltd.,
Devices Limited, E-I-30 I Block,
Bhosari Industrial Area,
Opp.: Rich Ice-cream Company, Pune.

8. Ajay Jaising Pawar

aged 46 years, Occupation: Business
An Adult, Indian Inhabitant,
Residing at Pachwad,
Taluka: Wai, District-Satara.

9. Vijay Jaising Pawar

Aged 48 years, Occupation: Business
an Adult, Indian Inhabitant,
Residing at Pachwad, Taluka-Wai
District: Satara

... Respondents

- Mr. K.P. Shah for petitioner.
- Mr. S.S. Patwardhan a/w. Ms. Mrinal Shelar with Mr. Ajay Rajenimbalkar and Mr. Akshay Hardas for respondent nos. 7 to 9.
- Mr. A.A. Alaspurkar – AGP for respondent nos. 1, 3 and 4.

• **CORAM : SUNIL B. SHUKRE &
RAJESH S. PATIL, JJ**

DATE : 26th JULY, 2023.

ORAL JUDGMENT: (PER SUNIL B. SHUKRE,J).

1. Rule. Rule made returnable forthwith. Heard finally by consent of learned counsel for the respective parties.

2. The grievance of the petitioner is that Respondent nos. 8 and 9 have made some unauthorized construction in their land without seeking prior permission from the Gram Panchayat and therefore, the petitioner is before this Court seeking a direction to the respondent authorities to demolish the illegal and unauthorized constructions. However, as pointed out by learned counsel for respondent nos. 8 and 9, we find that there is already a construction permission granted by the Gram Panchayat, which is at page 210. If such is the case, we do not think that now the petitioner can be heard to say that there is some unauthorized construction made by respondent nos. 8 and 9 and that inspite of an application made to the authorities, the authorities are not taking any steps for removal of alleged unauthorized construction.

3. We find no merit in the petition. The petition stands dismissed.

4. Rule is discharged.

[RAJESH S. PATIL, J.]

[SUNIL B. SHUKRE, J.]