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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

973 WRIT PETITION NO. 9935 OF 2024

ANIL BHAGWAN PURI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE PRINCIPAL
SECRETARY AND OTHERS

Mr.K.S.Solanke, Advocate for the Petitioners.
Ms.Neha Kamble, AGP for the Respondent/State.

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

DATE : SEPTEMBER 12, 2024

PER COURT :

1. The Maharashtra State Human Rights Commission has issued certain directions to Jalna Municipal Corporation. Hence a notice dated 19.07.2024, has been issued to the Petitioners, calling upon them to show the building permission or to remove the unauthorized structure. Instead of replying to the said notice, this Writ Petition has been filed.

2. If the notice issued by the Corporation was based on the proceedings before the Maharashtra State Human Rights Commission, the Petitioners should have, first of all, replied to the notice and

secondly, should have approached the Human Rights Commission praying for leave to intervene with an opportunity of hearing.

3. A palpable incorrect statement is made before us that this Court has entertained a Petition bearing No.4555/2024 in identical circumstances. In the said matter, suo-motu PIL No.02/2022 was being dealt with by this Court at the Principal Seat. Issue of encroachment was subject matter in the said PIL. Therefore, subsequently keeping in view that the Principal Seat was already dealing with the issue of encroachment in Suo-Motu PIL No.02/2022, we had directed that the notice issued by the Maharashtra State Human Rights Commission be stayed. The facts in the said case are completely different.

4. In view of the above, **this Writ Petition is dismissed.** Needless to state, the Petitioner is at liberty to reply to the notice and also request the Maharashtra State Human Rights Commission for an opportunity of hearing.

5. Deficit Court Fees of Rs.125/- shall be paid within 2 (two) weeks.

(Y.G.KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)