



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

931 WRIT PETITION NO.6100 OF 2024

MOHAMMAD AHEMAD HUSSAIN QURESHI

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. P.P. Uttarwar, Advocate for petitioner

Mr. K.B. Jadhavar, AGP for respondents/State

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CORAM : S.G. CHAPALGAONKAR, J.

DATE : 25th JUNE, 2024

ORDER :

1 Heard Mr. P.P. Uttarwar, learned Advocate appearing for the petitioner. He would submit that the petitioner is the owner of property No.255, admeasuring 14 square meters, situated at Biloli, having constructed house as per the permission granted by the Municipal Council, Biloli. Now, notice is served by respondent No.3 alleging the encroachment against the petitioner. He would point out that road in question was previously notified as District Road, having width of 24 meters, now, it is declared as State Highway and project for widening is undertaken to the extent of 30 meters

without acquisition additional area abutting to the road. Mr. P.P. Uttarwar also invites attention of this Court to order dated 12.04.2024 passed in **Writ Petition No.3792 of 2024** in the matter of **Anjum Parveen Nahadi Abdul Ajij and another vs. The State of Maharashtra and others**, wherein considering similar circumstances the notice is issued to respondents and interim protection is granted to the petitioner. Prima facie the petitioner appears to be in lawful possession and sought to be disturbed in pursuance of the impugned notice. The petitioner had availed remedy of appeal before the District Collector, however, same has been rejected.

2 Considering the submissions, issue notice to the respondents, returnable on 23.07.2024. ***Till then*** there shall be interim relief in terms of prayer clause 'E'.

(S.G. CHAPALGAONKAR)
JUDGE

agd