

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5791 OF 2019

S.M. Batha Education TrustPetitioner

V/s.

State of Maharashtra and Ors.Respondents

Mr. Dhiraj Chavan i/b. Deven Dwarkadas and Partners for petitioner.

Ms. S.D. Vyas, Addl. GP a/w. Mr. Prashant P. More for respondent nos.1 and 3.

**CORAM : K.R. SHRIRAM &
JITENDRA JAIN, JJ.**

DATED : 6th SEPTEMBER 2024

P.C. :

1 The primary grievance of petitioner is that respondent no.4, which is a private party, has placed illegal boom bars and iron grill gate in a public road and in the alternative declare the disputed road as a public road. Mr. Chavan states that respondent no.2 and/or respondent no.3 should forthwith take action against respondent no.4 and also get those allegedly illegal boom bars and barriers removed. Mr. Chavan states that representations have been given to respondent nos.2 and 3 but they are not taking any action.

2 Mr. More appearing for respondent no.1, i.e., the State of Maharashtra, and respondent no.3, i.e., the Panchgani Police, at the outset, states it appears that the dispute is between petitioner and respondent no.4, which is a private party. Mr. More also in fairness states that if petitioner

has filed representations, respondent no.3 will consider the representations and take appropriate action after hearing petitioner and respondent no.4. Respondent no.2 is not present and Mr. Chavan states that respondent no.2 has been served and affidavit of service shall be filed within one week from today.

3 Be that as it may, respondent no.2, i.e., Panchgani Giristhan Municipal Council, shall also consider any representation made by petitioner and take action after hearing petitioner and respondent no.4.

4 With these directions, the petition stands disposed.

5 We clarify that we have not considered the merits of the matter and by these directions, we do not certify that the road is a public road. The Authorities will consider the same before taking any action.

(JITENDRA JAIN, J.)

(K.R. SHRIRAM, J.)