



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 2209/2023

Utkarsh Griha Nirman Sahakari Sanstha Ltd. and others
Vs.
The State of Maharashtra, through Collector, Nagpur and others

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr. S.T. Khan, Advocate for Petitioners
Mr. A.S. Fulzele, Addl. GP for Respondent No.1
Mrs. M.S. Naik, Advocate for Respondent No.2
Mr. A.C. Dharmadhikari, Advocate for Respondent Nos.3 to 5

**CORAM: AVINASH G. GHAROTE AND
SMT. M.S. JAWALKAR, JJ.**

DATED : 2nd APRIL, 2024

The petition has been filed seeking a direction to the respondent Nos.1 and 2 for removal of encroachment committed by the respondent Nos. 3 to 5 on 9 meters public road situated on north of plot No.6 and to restore the public road to its original position. The Nagpur Improvement Trust, which is the planning authority has filed an affidavit dated 26/02/2024, contending, that on an inspection done on 25/09/2023 by the Building Engineer (North) along with the Division Officer, the area of plot No.6, which as per the original RL was 510.78 Sq.Mtrs. (18 X 30 meters) is in possession of the owners, however, when the length of the

plot is measured as 30 meters, it appears that 3 meters length of the plot overlapped with the back road of 9 meters of the plot. It is, however, stated in para 7 thereof, that no construction is found on the overlapped 3 meters length of 9 meters road and, therefore, there is no encroachment made by the owners of the plot No.6 / respondent No.3 to 5 on the public road. In that view of matter, we do not see any reason to entertain the present petition. The petition is dismissed. No costs.

(SMT. M.S.JAWALKAR,J.)

(AVINASH G. GHAROTE,J.)