



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

936 WRIT PETITION NO. 11043 OF 2025

**DHANANJAY ANANDRAO KALE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH
COLLECTOR DHARASHIV AND OTHERS**

...

Advocate for the petitioner : Mr.S.B.Gastagar
AGP for Respondent-State : Mr.K.B.Jadhavar

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CORAM : ARUN R. PEDNEKER, J.

DATE : 11.09.2025

P.C. :

1] By way of present Writ Petition, the petitioners challenge the impugned order dated 12.06.2025 passed by the respondent no.2 – Chief Officer, Municipal Council, Omerga whereby the application for removal of encroachment on the petitioner's land admeasuring 8 x 10 ft. out of 27 x 21 ft. has been turned down by the respondent no. 2 by observing that the issue of ownership cannot be decided by the Corporation and the application of the petitioner is rejected. The petitioners challenge the same and submit that the Municipal Authority is entitled to settle the issue of encroachment and remove the encroachment.

2] This Court is not inclined to interfere in the impugned order and the petitioners would be at liberty to seek appropriate remedy before the Civil Court as regards removal of encroachment, by establishing their ownership over the land.

3] With the above observations, the Writ Petition is disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC