

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 94 OF 2019

Vijay Mahadev Mane & Anr. ... Petitioners

Versus

The State of Maharashtra & Ors. ... Respondents

Mr. Suryajeet P. Chavan for the Petitioners.

Mr. Avinash Naik, A.G.P. for the Respondent-State.

Mr. Manoj A. Patil for Respondent Nos.17, 18, 20 to 22, 28, 32, 33, 35 to 46.

Coram : M. S. Karnik &
Ajit B. Kadethankar, JJ.

Date : 13th November 2025.

P. C. :

1. Heard Mr. Chavan, learned counsel for the Petitioners, Mr. Naik, learned A.G.P. for the Respondent-State and Mr. Patil, learned counsel for the Respondent Nos.17, 18, 20 to 22, 28, 32, 33, 35 to 46.

2. The present PIL Petition seeks a direction to the Respondent-Authorities to remove the unauthorized constructions, which are being erected on both sides of the road without leaving any space, when the

road currently is only 30 feet wide. The direction is therefore sought for initiating steps for removal of illegal structures raised by the Respondent Nos.17 to 46 in accordance with law.

3. The Petitioner seeks a direction to the Respondent Nos.5 to 16 to conduct the inquiry and submit a detailed report, as to, how many constructions permissions have been granted with respect to said lands i.e. Gat No. 200/6, 145/2, 175/2/14, 174/4, 175/C of Uchgaon Grampanchayat and Gat Nos. 182/2/3, 124/6, 185/5/6, 183/2 & 184/4/A, 132/14, 132/15, 132/16 of Walivade Grampanchayat, Gat Nos.413/1/7 of Gadmurshingi Grampanchayat, District Kolhapur in contravention to the Circular dated 22nd December 2010 passed by the Respondent No.4-Gram Vikas Department, in violation of provisions of the Bombay Highway Act, 1955 and Ribbon Development Rules, 1937 and the Maharashtra Village Panchayat Extension of Village Sites and Regulation of Buildings Rules, 1967 and Government Resolution dated 9th March 2001 and 11th December 2015.

4. The Petitioner seeks a direction to quash and set aside all the construction permissions / No Objections granted by the Respondent Nos.12 to 16 in respect of aforesaid lands. Further direction is sought to demolish the existing structures in the aforesaid lands. The Petitioner also seeks a direction to the Respondent Nos.1 to 16 to finalize and

demark the area of proposed 100 feet road widening of major district road 20 and secure its boundaries by demolishing the illegal structures erected in place of and along side the proposed 100 feet road.

5. We find that in this PIL Petition, the Petitioner wants this Court to conduct a roving inquiry into the construction permissions, which according to him are illegally granted.

6. In our opinion, if the Petitioner is aggrieved by any building construction permissions, which have been granted illegally, it is for the Petitioner to approach the concerned Authorities by filing a comprehensive representation placing on record the materials and relevant provisions of law for the purpose of initiating action against such illegal / unauthorized constructions.

7. If it is the contention of the Petitioner that illegal constructions are put up on the major district roads, obviously the Public Works Department (“**P.W.D.**” for short) is bound to initiate action in accordance with law against the unauthorized structures which have come up on such major district roads and those unauthorized constructions alongside the highways. It is open for the Petitioner to bring to the notice of the concerned officials of the P.W.D. the details of such illegal structures. The concerned Authorities of the P.W.D. shall if it finds that such constructions are put up on the major district roads / highways unauthorisedly, which

are subject matter of this PIL Petition, issue notice to those who are to be affected by any action is to be taken by the P.W.D. and after hearing all the concerned including the Petitioner and conducting the necessary inquiry, proceed to take an action against such unauthorized structures / constructions in accordance with law.

8. The Petitioner is at liberty to make a comprehensive representation, which the Authorities shall undoubtedly look into and act on the same to take it to its logical conclusion in accordance with law.

9. PIL Petition is disposed of in above terms.

10. All contentions raised in the PIL Petition are kept open.

[Ajit B. Kadethankar, J.]

[M. S. Karnik, J.]

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