



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8992 OF 2023

Ramesh Maruti Karangutkar

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Mr. P. G. Chavan for Petitioner.

Dr. Dhruti Kapadia, AGP for Respondent Nos. 1 to 3.

Mr. Ulhas Naik for Respondent No.4.

CORAM: G. S. KULKARNI &
ARIF S. DOCTOR, JJ.

DATE: 07 JULY 2025

P.C.

1. We have heard learned counsel for the parties.
2. At this stage, learned counsel for the petitioner submits that the only prayer, the petitioner would intend to pursue, is prayer clause (d) of the petition which reads thus:

"d) That this Hon'ble Court be pleased to issue writ of mandamus or any other appropriate writ, directions or order in the nature of directions thereby directing Respondent Nos.1 to 3 Authorities decide the specific representations and grievances dated 09-02-2018, 19-04-2018, 12-06-2018, Reminder Letter received by Respondent No. 3 dated 16-10-2018, 18.02.2021 received on 24-02-2012 and representation dated 04.10.2021 Exhibits H Collectively and I hereto);"

3. It is the case of the petitioner that he is the owner of the plot bearing survey No.869 (325/330), situated at Dhuriwada, near Topiwala High School, Malvan, without the jurisdiction of respondent No.4 - Malvan Municipal Corporation (for short "**Municipal Council**"). The petitioners case is that it is in the development plan of 1981 a D.P. Road of 6.10 meter (20 feet D.P. Road) is carved out, which is

the sole access and approach road to the property of survey No.331 (935) property No.2844. It is contended that the said land is encroached upon, and the Municipal Corporation is not taking any action in regard to removal of such encroachment on the proposed DP road. In such context, the petitioner had made several complaints/representations as set out in the memo of the petition and as reflected in the prayers. The petitioner's contention is that the such encroachments are required to be removed.

4. In this view of the matter, we are of the opinion that keeping open all contentions of the parties, if the case of the petitioner is correct and the complaints/representations of the petitioner needs to be addressed. Let the petitioner be granted hearing, in this regard within 15 days from today. The petitioner shall remain present before the designated officer of the Municipal Council on 17 July 2025 at 11.00 a.m., the petitioner shall be heard on all his contentions on the complaints, as also the other stakeholders, if any, be heard on a convenient day as may be fixed, and thereafter necessary orders be passed in accordance with law in deciding the representation of the petitioner.

5. If the representation/grievance of the petitioner is correct, the respondent Nos.3 & 4 are directed to take necessary action in accordance with law, as expeditiously as possible, and in any event, within a period of eight weeks of such decision.

6. All contentions of the parties in that regard are expressly kept open.

7. Petition stand disposed of in the aforesaid terms. No costs.

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI, J.)