



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

13 WRIT PETITION NO. 1207 OF 2026

Anita Nivrutti Sonawane

....Petitioner

VERSUS

The State of Maharashtra & others

.....Respondents

Mr. Rukeshkumar Bora, Advocate holding for Mr. S. B. Kadu,
Advocate for the Petitioner.

Mr. V. M. Kagne, AGP for the State.

**CORAM : SMT VIBHA KANKANWADI
& NEERAJ P. DHOTE, JJ.**

DATE : 15th APRIL, 2026.

PER COURT :

1. The present petition has been filed for directions to remove unauthorised/illegal structure at the eastern side over the 12 meters wide existing road in layout of Gut/Survey No. 8A and 8B (CTS 2691/B) situated at Jalgaon City, Dist. Jalgaon. Alternatively, the Petitioner prays for direction to the Respondents to decide his representations dated 18.11.2025 and 25.11.2025.

2. Learned Advocate for the Petitioner submits that Respondent No. 2 has prepared a draft development plan for Jalgaon city along with Respondent No. 4. Lay out known as Kanchan Nagar is 12 meters wide public road from the eastern side of Petitioner's house.

Relying upon the lay out plan, the husband and father-in-law of the Petitioner had purchased Plot No. 87 admeasuring 154.87 sq. meters on 18.05.2005. When the Petitioner applied for construction permission by following due procedure of law, it was sanctioned and the Petitioner has constructed the house since last 7 years. According to the Petitioner, eastern side road as per the lay out is only for the eastern side of Plot Nos. 84 to 91. Except said road, there is no alternate road available for them. However, unfortunately, there are encroachments over the said 12 meter public road. Several representations have not been answered to by the Respondent/authorities. Hence, this petition.

3. Today, learned Advocate for the Petitioner tried to seek accommodation to produce documents however, in our opinion, the documents ought to have been collected before filing of the petition. The pleadings in the petition lack (i) when encroachment was made, (ii) how many persons have made encroachment and (iii) if those encroachments were prior to purchase of the plot by the husband and father-in-law of the Petitioner i.e. prior to 18.05.2005, then why they had not raised any objection for construction of any illegal structure on the public road.

4. In our opinion, the facts pleaded consist disputed facts also and therefore, this is not a fit case where we should exercise powers under Article 226 of the Constitution of India. In the result, petition stands dismissed.

(NEERAJ P DHOTE)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE

dyb