

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

**LETTERS PATENT APPEAL ST. NO. 7397 OF 2012
IN
CONTEMPT PETITION NO. 187 OF 2009
IN
WRIT PETITION NO. 1879 OF 1988**

Vishwanath Narwade
(deceased through LRs)

.. APPELLANTS

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. V.G. Sakolkar, advocate for appellants.
Mrs. M.A. Deshpande, AGP for the State.

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**CORAM : R.M. BORDE &
P. R. BORA, JJ.**

DATE : 9th JULY, 2015

PER COURT :

1. Appellants are objecting to the order passed by the learned Single Judge on 08.12.2011 in Contempt Petition no. 187/2009 thereby dismissing the petition. Appellants contend that while disposing of Writ Petition no. 1879/1988, the Division Bench of this Court directed the State authorities to conclude the process of regularisation within a period of two months from the date of passing of the order. This court also allowed prayer clauses 'B' and 'C' made in the petition. Prayer clauses 'B' and 'C' are reproduced as below :

(B) By a writ of mandamus or any other appropriate writ, order or direction, respondents be directed to take all effective steps contemplated by Exhibits A, B and c herein for regularizing the lands of petitioners Nos. 1 to 9 of village Shevga Taluka and District Aurangabad.

(C) By a writ of mandamus or any other appropriate writ, order or direction, respondent Nos. 3 and 4 be further directed to submit their report sent consequent to prayer clause (B) above, to respondent No. 5 and respondent No. 5 be directed to determine eligibility of petitioners in respect of regularisation of lands stated in Exhibits A and B.

2. It is observed by the learned Single Judge while disposing of contempt petition that infact the property claimed by appellants is not a pasture land i.e. Gairan land however, the same is forest land. Parameters in respect of regularisation prescribed for gairan land and forest land are different. It is also observed by the committee constituted by the State Government for the said purpose that appellants are dis-entitled to claim regularisation of their possession in respect of Government property. Since it is noticed that appellants did not fulfill the criteria laid down under the Government policy and that lands in respect of which regularisation is claimed is not a gairan land, the claim of appellants founded on wrong footing needs no favourable consideration. We do not find any error apparent on the face of the record committed by the learned Single Judge while dismissing the contempt petition. Appeal is devoid of substance hence stands dismissed.

(P. R. BORA)
JUDGE

(R. M. BORDE)
JUDGE