

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

WRIT PETITION NO. 7969 OF 2013

Arjun s/o Dadarao More

.. PETITIONER

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. S.W. Munde, advocate for petitioner.
Mr. S.G. Karlekar, AGP for the State.

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**CORAM : R.M. BORDE &
V. K. JADHAV JJ.
DATE : 8th APRIL, 2015.**

PER COURT :

1. Petitioner is praying for issuance of directions to respondents - authorities to take decision in respect of regularisation of encroachment over Government land survey nos. 742 and 745 situate at village Chanai, Tq. Ambajogai, Dist. Beed, after extending an opportunity of hearing.

2. An affidavit-in-reply has been presented on behalf of respondents 3, 4 and 5 by the Tahsildar, Ambajogai and, in paragraph no. 4 of the affidavit-in-reply it is recorded thus :

4. I say and submit that, only 17 people have encroached upon the Government land survey nos. 742 and 745 but in village Form No. 1-E i.e. encroachment register it is shown that 18 people made encroachment on the said survey numbers. The said village Form 1-E was prepared on the basis of FIR bearing no. 194/1981. The name of the Petitioner in form No. 1-E is shown at Sr. no. 5 and again petitioner added his name forged at Sr. no. 18. Hand writing of the names at Sr. nos. 1 to 17 are same and hand writing of the name of Sr. no. 18 is

different. Therefore, it can be gathered that the petitioner added his name at Sr. no. 18 to show that he is encroached upon the area admeasuring 2 H 20 R. The copy of the village form No 1-E is enclosed herewith and marked as EXHIBIT R-1.

3. Since there are allegations made as regards fabrication of the official record, we direct the Tahsildar to present the information to the police with a view to cause investigation in the matter. The Tahsildar shall take necessary steps within a period of three weeks from today. In view of the averments made in affidavit-in-reply, this is not a fit case to cause interference in exercise of extra ordinary jurisdiction under Article 226 of the Constitution of India. Petition stands rejected.

(V.K. JADHAV)
JUDGE

(R. M. BORDE)
JUDGE

dyb