

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

WRIT PETITION NO.10092 OF 2012

Sachin Govind Bansode and others ... PETITIONERS

VERSUS

The State of Maharashtra & ors. ... RESPONDENTS

.....
Shri S.J. Salunke, Advocate for petitioners
Shri G.K. Thigale, A.G.P. for State

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CORAM: S.V. GANGAPURWALA AND
 A.I.S. CHEEMA, JJ.

DATED: 15th April, 2015.

ORAL ORDER :

1. Mr. Salunke, learned counsel for the petitioners submits that the petitioners are in possession of the gairan land since long time, their possession needs to be regularised. Though the petitioners are encroachers in Gat No.500, 501 and 614 of village Radi and Radi Tanda, Taluka Ambajogai, District Beed, in view of the Government Resolutions promulgated time to time, their possession needs to be regularised. Even this

Court at its Principal Seat at Bombay had directed the respondents to publish the list of persons who are in possession of the property and it was further directed to them to regularise the possession of such persons. According to the learned counsel, no such steps are taken by the respondents. The order passed by this Court at Principal Seat is not complied. The list is not being published. According to the learned counsel, the State has annexed the list of some persons in possession of the writ properties, however, those persons are not in possession and it is the petitioners who are in possession of the same.

2. The learned A.G.P. submits that, as per the Government Resolution of 20.11.1991, only those persons would be entitled for regularisation of the possession who were in possession from 1.4.1978 to 14.4.1990 and were doing agricultural operations on the said land. The petitioners do not qualify the said criteria.

3. The petitioners, vide present writ petition, are seeking regularisation of their possession. For regularisation of the possession, the petitioners are required to satisfy the ingredients as are laid down in the Government Resolution dated

20.11.1991 and the other Government Resolutions promulgated from time to time. There is no evidence on record at least in the present petition to hold that the petitioners were in continuous possession since 1978 to 1990. In light of the above, the prayers made in the present writ petition cannot be granted.

4. In case the petitioners have some evidence about their possession as is required under the relevant Government Resolutions, then the petitioners may present the said evidence before the competent authorities, which the authorities may consider on its own merits. Writ Petition disposed of.

(A.I.S. CHEEMA, J.)

(S.V. GANGAPURWALA, J.)

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