

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

PUBLIC INTEREST LITIGATION NO. 149 OF 2014

SHIVAJIRAO SURYABHAN SALUNE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

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Advocate for Petitioner : Mr. Vishnu B. Madan
AGP for Respondent Nos. 1 to 4: Mrs. A.V. Gondhalekar
Advocate for Respondent Nos.5 to 7: Mr. D.S. Manorkar
Advocate for respondent No.8: Mr. S.V. Kulkarni

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**CORAM : R. M. BORDE AND
V. K. JADHAV, JJ.**

DATED : 27th MARCH, 2015

P.C. :-

1. Heard learned counsel for respective parties.
2. The petitioner is praying for issuance of direction to the respondents 1 to 4 to remove the encroachment made by respondent No.8 over the Government land bearing Gat No. 83, situate at Rel, Tq. Khultabad, District Aurangabad. The petitioner is also praying for issuance of direction to respondent No.5 to disconnect the electricity supply extended to unit in Gat No.83 in the name of respondent No.8.
3. An affidavit in reply has been presented on behalf of

respondent Nos. 1 to 4, controverting the contentions raised by the petitioner in respect of alleged encroachment committed by respondent No.8 on the Government land Gat No.83 of village Rel, Tq. Khultabad, District Aurangabad. It is stated in the affidavit in reply that after presentation of petition, measurement of Government land has been undertaken and boundaries of the said land have also been prescribed. It was noticed that there is no encroachment committed by respondent No.8, as alleged by the petitioner. A panchnama has also been drawn on 19.12.2014 and the map has been drawn by the office of Deputy Superintendent of Land Records, Khultabad. It is thus contended that there is no encroachment over land Gat No.83 as alleged by the petitioner and contentions raised in that regard are totally false. It is further averred that instant petition is not genuine public interest litigation since the petitioner himself was carrying out the illegal activities of excavation of stones and was operating stone crusher without valid authorization. For such illegal acts, petitioner was ordered to pay royalty together with penalty quantified at Rs.10,93,200/-. The stone crusher operated by the petitioner has been sealed by the revenue authorities on 12.3.2013. The petitioner inspite of repeated notices has failed to deposit the amount of royalty and the penalty. However, instead he has adopted pressurizing tactics by writing scandalous letters to the Revenue Authorities and extending threats to commit suicide.

4. The petitioner has suppressed material facts and mislead the Court. In this view of the matter, the grievance raised by the petitioner in the instant public interest litigation does not deserve consideration. The petition devoid of any substance, hence, stands rejected.

(V. K. JADHAV, J.)

(R. M. BORDE, J.)

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