

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

SECOND APPEAL NO.262 OF 2013

Namdev Jagu Hirave

.. Appellant

Vs.

The State of Maharashtra & Ors.

.. Respondents

....
Mr.Ruturaj Pawar i/b. Mr.S.S. Patwardhan, Advocate for the Appellant.

Ms.Meenakshi Sakhare, AGP for the Respondents - State.

....

CORAM : RAVI K. DESHPANDE, J.

DATED : JUNE 24, 2015.

P.C. :

The claim of the appellant - plaintiff for regularization of encroachment has been rejected by the State Government by an order dated 4th December, 2009, during the pendency of the proceedings before the lower Court. The appellants are at liberty to challenge this order in appropriate proceedings. No substantial question of law arises in this Second Appeal, the same is dismissed.

2 Needless to say that the right of the plaintiff to challenge the order dated 4th December, 2009 is kept open to be decided on its own merits and obviously dismissal of this Second

Appeal shall not come in the way of such challenge, which is not the subject matter of the suit in question. For a period of eight weeks from today, no action shall be taken adverse to the interest of the appellant - plaintiff. After expiry of this period, the respondent shall be at liberty to proceed against the plaintiff, if there is no order from the Court of competent jurisdiction in such proceedings.

(RAVI K. DESHPANDE, J.)