

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10292 OF 2012

Shri Arunkumar Bansidha Patil. .. Petitioner
Vs
The Collector of Thane. .. Respondent
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Shri Deepak A. Patil for the Petitioner.
Mrs. M.P. Thakur, AGP for the Respondent No.1.
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CORAM : A.S. OKA & A.PBHANGALE, JJ
DATED : 26TH MARCH 2015

P.C.

. Heard learned counsel appearing for the Petitioner and the learned AGP for the Respondent No.1.

2. An Application made by the Petitioner on 3rd March 2009 for allotment of land bearing Gat No.378 situate at Turbhe, Taluka and District – Thane (Navi Mumbai). By the communication dated 31st January 2012, the District Collector has informed the Petitioner that the land bearing Gat No.378 at Turbhe is a Gurcharan or grazing land. He has relied upon a decision of the Apex Court dated 28th January 2011 and the Government Resolution dated 12th July 2011 issued on the basis of the said decision of the Apex Court.

3. The submission of the learned counsel appearing for the Petitioner is that the land is not being used by any one. The Petitioner wants allotment of land for the purpose of manufacturing cement bricks. It is not in dispute that the land bearing Gat No.378 is a grazing land. In the 7/12 extract, the said land is specifically shown as Gurcharan (grazing) land. The use of the said land for manufacture of cement bricks will not be in consistent with the purpose for which such grazing land can be utilised by the villagers. Permitting to use of the said land for the purposes of manufacture of cement bricks will be contrary to the law laid down by the Apex Court and the Government Resolution issued on the basis of the said decision of the Apex Court. Therefore, we find no error in the impugned communication by which an Application made by the Petitioner was rejected.

4. Accordingly, the Petition is rejected.

(A.PBHANGALE, J)

(A.S. OKA, J)