

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

WRIT PETITION NO. 857 OF 2015

Shri Ananda Vithoba Kamble & ors. ... Petitioners

V/s.

Ld. District Collector of Kolhapur & ors. ... Respondents

Mr. Manoj A. Patil for the petitioner.

Mr. P.G. Sawant, AGP for respondents 1 and 4.

Mr. D.V. Sutar for respondent no.6.

Mr. R.D. Rane for respondents 2 and 3.

**CORAM : NARESH H. PATIL AND
S.B. SHUKRE, JJ.**

20th October, 2015.

P.C.

Learned Counsel appearing for the Gram Panchayat to take instructions and file reply. The petitioner contends that since the year 2013 he has been representing to Collector and other authorities requesting to take appropriate steps to remove illegal encroachment over the Gairan Land of village Abdul Lat, Tal. Shirol, Dist. Kolhapur. We have perused some of these representations annexed at Exhibit 'B' collectively. Another representation was made on 14th August, 2014 addressed to Collector. We have perused the communication made by the Block

Development Officer Class 1, Panchayat Samiti, Shirol dated 15th October, 2014 addressed to Dy. CEO, Gram Panchayat, Zilla Parishad, Kolhapur. The said communication indicates that Regular Civil Suit no. 104/1989 was filed by some of the alleged encroachers. Some of the encroachers are occupying the said land since last several years and the State had allotted plots in favour of them. The petitioner says that he is not espousing the cause in his interest.

2. Learned Counsel appearing for Gram Panchayat submits that the petitioners are personally interested in securing evacuation of alleged encroachers of gairan land as they intend to exploit the immovable property owned by them commercially. Learned Counsel submits that each case of such alleged encroachers is required to be looked into by the concerned authorities and the Collector in detail and then only decision is possible.

3. We have perused the record and considered the submissions. In the facts it would not be appropriate to issue any final directions to the authority terming persons occupying the land as encroachers and passing orders to remove such encroachments. The petitioners are entitled to file a comprehensive representation addressed to Collector and Gram Panchayat. In case such representation is filed, the Collector and Gram Panchayat shall look into such representation and take into consideration the factual position pending litigation, past record and take appropriate steps in accordance with law. All issues on merits are kept open.

4. With aforesaid observations and directions, Petition is disposed of.

(S.B. SHUKRE, J.)

(NARESH H. PATIL, J.)

L.S. Panjwani, P.S.