

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.2645/2015

Sau. Premila Babarao Khadase and another

...Versus...

The State of Maharashtra, through Secretary, Department of Revenue and Forest,
Mantralaya, Mumbai – 32 and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri J.B. Kasat, Advocate for petitioners

CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATE : 10.09.2015

By this petition, the petitioners impugn the order of the Tahsildar dated 12.2.2015, rejecting the application filed by the petitioner no.1 for regularization of the encroachment.

The petitioners had encroached upon Gaothan land admeasuring 65 ft. X 105 ft. A notice for removal of encroachment was served on the petitioners by the Gram Panchayat. The petitioners sought the regularization of the encroachment by resorting to the provisions of Section 51 of the Maharashtra Land Revenue Code. The respondent – Tahsildar rejected the application of the petitioner no.1 by the impugned order dated 12.2.2015.

On hearing the learned Counsel for the petitioners and on a perusal of the impugned order, it appears that there is no scope for interference with the same in exercise of the writ

jurisdiction. In pursuance of certain directions issued by the Hon'ble Supreme Court, the State of Maharashtra had passed the Government Resolution dated 12.7.2011, prohibiting the allotment or regularization of Gayran, Gurcharan, pasture lands or the lands used for public utility. The application of the petitioner for regularization of the encroachment and allotment of the land admeasuring 65 ft. X 105 ft. was rejected in view of the policy of the Government based on the directions issued by the Hon'ble Supreme Court. There is no illegality in the order dated 12.2.2015 so as to interfere with the same in exercise of the writ jurisdiction.

In the result, the writ petition fails and is dismissed with no order as to costs.

JUDGE

JUDGE

Wadkar