

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

WRIT PETITION No. 2547/2014.

Sunil Pralhad Navthale and another

VERSUS

State of Maharashtra and others.

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

Court's or Judge's orders.

CORAM : B. P. DHARMADHIKARI
& A.S.CHANDURKAR, JJ.

DATED : FEBRUARY 05, 2015.

Heard Shri M.G. Sarda, learned Counsel
for the petitioners and Shri A.S. Fulzele, learned A.G.P.
for respondents.

Petitioners challenge notice dated
21.05.2014, which calls upon them to remove
encroachment on government land. They were given
time till 24.05.2014 and threatened that otherwise, on
27.05.2014, Government machinery would remove it.

This Court on 27.05.2014, while issuing notice in the matter protected possession of petitioners.

Before approaching this Court, petitioners have submitted a representation-cum-reply to the Authorities on 26.05.2014.

Shri Fulzele, learned A.G.P. submits that petitioners were occupying government property on lease and they did not deposit the lease money within time. Perusal of the reply shows an assertion that petitioners have encroached upon surplus land in the vicinity. However, it is not very clear whether the petitioners have been treated as encroacher's, as they failed to deposit the lease money within time, and therefore, persons in unauthorized possession of leasehold property or then their encroachment beyond leasehold property is, being objected.

Learned A.G.P. is seeking time of two weeks to file additional affidavit explaining the situation.

Taking over all view of the matter, we find that interest of justice can be met with by directing the petitioners to appear before the respondent no.4 Sub

Divisional Officer (Revenue) Jalgaon (Jamod), District Buldhana and place their say for his consideration. Respondent no.4 shall after looking into the documents and considering the defence of petitioners take suitable decision, afresh in the matter.

Petitioners shall appear before the said Authority on 10.03.2015. The Authority shall take suitable decision upon it within next two months.

Leaving all rival contentions open and with these directions, we dispose of Writ Petition. No costs.

JUDGE

JUDGE

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