

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.3320 OF 2001**Prabhakar S/o Babulal Porwal Vs. The State of Maharashtra
and others.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.D.R.Shelke, advocate for the Petitioner.
Mrs.M.A.Deshpande, A.G.P for the State.

**CORAM : S.V.GANGAPURWALA AND
A.M.BADAR, JJ.**
Date : 12.01.2016.

PER COURT :

1. Heard.
2. The grievance made in the present petition is about the unauthorised encroachment over land Gat Nos.239,240 and 241 of village Jawala Bazar, Tq.Aundhanagnath, Dist.Hingoli. The petition is filed in the year 2001. The Gram Panchayat has filed affidavit that Kabalas are granted to various persons and they are also paying taxes. For burial and other purposes, there is sufficient space. The Kabalas are issued by the Tahsildar during the period 1985-86. The Tahsildar has filed affidavit, wherein it is stated that in response to representation dated 19.6.1998 and other references, notices are given to the encroachers by the Tahsildar and detailed

report is submitted to the Collector. Inquiry is also conducted. The Tahsildar has admitted in the affidavit that Gat Nos.239, 240 and 241 admeasuring 3 hectares 86 Ares, 83 Ares and 1 hectare 85 Ares respectively are reserved for cremation as well as burial purpose and unauthorised encroachment would not be regularised. It is also stated in the affidavit that the Collector will take necessary action as per law after getting the boundaries demarcated.

3. We have heard learned A.G.P.

4. Considering the affidavit filed by the Tahsildar, the grievance of the petitioner to a larger extent is redressed. Be that as it may, the present position will be required to be considered. The authorities shall consider the existing physical possession on the site, the relevant policy and shall take action in accordance with the same.

5. Rule accordingly disposed of. No costs.

(A . M . BADAR , J .)

(S . V . GANGAPURWALA , J .)

Dt.12.01.2016.
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