

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2801 OF 2013

PRABHU GORABA SHINDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Tukaram M. Venjane.
AGP for Respondent Nos.1 to 3 : Mr. S.G. Karlekar.

. . .

CORAM : S. V. GANGAPURWALA &
A. M. BADAR, JJ.

DATE : 21ST JANUARY, 2016.

PER COURT:

1] Mr. Venjane, learned counsel for the petitioner submits that the petitioner is entitled for his claim on the Gairan land. The panchanama which has been conducted by the Tahsil office, on 25.9.2009 also states that the petitioner has encroached the Gairan Land since 1998. As per the Government Resolution dated 12.7.2011, the petitioner is entitled for regularization of his encroachment on the Gairan land. According to learned counsel, even the affidavits are given by other Gairan land holders in favour of the petitioner. However, the Sub Divisional Officer has not considered the same.

2] Learned AGP submits that the SDO has considered the documents placed on record. There were no documents shown by the petitioner showing his entitlement. AS such, order has been rightly passed by the SDO.

3] We have perused the impugned order. The order of the SDO does not show documents that have been considered by the SDO, which the petitioner claims to have filed, including the copy of panchanama and affidavits by other Gairan land holders.

4] Considering the above, the SDO shall re-determine the claim of the petitioner, seeking regularization of possession of the Gairan land afresh, in accordance with the Government Resolution dated 12th July, 1991 or such other Government Resolutions that may be in force, governing the claim of the petitioner. Same would be done expeditiously and preferably within 8 months. Writ petition is disposed of with these directions.

[A.M. BADAR]
JUDGE

[S.V. GANGAPURWALA]
JUDGE

grt/-