

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**BENCH AT AURANGABAD**

**WRIT PETITION NO. 6099 OF 2013**

Pandurang S/o. Bandu Bhalerao

.. **Petitioner**

**Versus**

The State of Maharashtra,  
Through the Secretary,  
Revenue and Forest Department,  
Mantralaya, Mumbai and others

.. **Respondents**

Shri Chandrakant V. Thombre, Advocate for the Petitioner.  
Smt. A. V. Gondhalekar, A. G. P. for Respondent Nos. 1 to 5.  
Shri S. G. Thombre, Advocate for the Respondent No. 6.

**CORAM : S. V. GANGAPURWALA AND**  
**K. K. SONAWANE, JJ.**

**DATE : 20TH JUNE, 2016.**

**PER COURT :-**

1. Mr. Thombre, the learned counsel for the petitioner submits that 5 R. land out of Gut No. 247 is reserved for Grave Yard of Matang community. According to the learned counsel, the Respondent No. 6 has made an encroachment over the said area. The Respondent No. 6 had filed a civil suit before the C. J. S. D., Aurangabad bearing No. 359 of 2008. The said suit is decreed to the extent of other area except 5 R. land which is reserved for Matang community. The learned counsel submits that, the said judgment has been made final, however, the Respondent No. 6 has encroached over the said area and no steps are being taken by the authorities concerned.

2. Mr. S. G. Thombre, the learned counsel for the Respondent No. 6 submits that, the petitioner nor any other person is concerned with land Gut No. 247 except an area of 5 R. land from the southern side. According to the learned counsel, the Respondent No. 6 is not encroaching upon the said area of 5 R. meant for the Grave Yard.

3. The learned A. G. P. states that, the injunction order is operating in favour of the Respondent No. 6 for an area excluding 5 R. land meant for the Grave Yard. Even, mutation entry is also recorded.

4. We have considered the submissions.

5. The parties are ad idem about the land being reserved for Grave Yard meant for Matang community. The said area of 5 R. certainly cannot be used nor encroached by the Respondent No. 6. Even, the Respondent No. 6 has made a statement that, the Respondent No. 6 has not encroached the said area nor is intending to encroach said area.

6. In light of the above premise, in case, the Respondents / Authorities find encroachment over the land reserved for Grave Yard of Matang community the Respondents shall take steps to remove the said encroachment.

7. The Writ Petition is accordingly disposed of. No costs.

**[ K. K. SONAWANE, J. ]**

**[ S. V. GANGAPURWALA, J. ]**