

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

**6 CONT. PETITION NO. 353 OF 2015
IN WP/7207/2013**

**RAUF UMAM PARSUWALE AND OTHERS
VERSUS
AMGOTHU SHRI RANGA NAIK AND OTHERS**

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**Advocate for Petitioners : Mr. Yadkikar Amit A
AGP for Respondents: Mrs. M. A. Deshpande**

**CORAM : S. V. GANGAPURWALA &
K. L. WADANE, JJ.**

DATE : 29th August, 2016

ORDER:

1. Mr. Yadkikar, learned counsel for the petitioners, states that this Court, under order dated 24th February, 2014 in Writ Petition No.7207/2013, had directed the respondent State and its authorities to remove encroachment made on the Gayran land within two months from the date of receipt of the order. Two and half years have lapsed. No proper steps are taken by the respondent Authorities for removing the encroachment.

2. On or about November, 2015, an affidavit was filed by the Tahsildar, Jalna stating that it is duty bound to remove encroachment on the Gayran land. On 12th August, 2016, we had asked the Tahsildar, Jalna to verify the further steps undertaken for removal of

encroachment. To that, an affidavit in reply is filed by the Tahsildar, Jalna detailing the steps undertaken for complying the order passed by this Court in the writ petition. It appears that the steps are undertaken only after this Court passed an order on 12th August, 2016.

3. Learned AGP, states that the proposal for regularization is submitted by the Grampanchayat, Primary School and 10 houses constructed under the Indira Awas Yojana and the same is pending. The major encroachment has been removed. Panchanama to that effect is also drawn and some persons have given an undertaking that they would remove the said encroachment at the end of the rainy season.

4. We have considered the panchanama, undertaking and Taba Pavati and have also gone through the affidavit in reply fled by the Tahsildar, Jalna. It appears that some steps are undertaken by the Tahsil office, though belatedly. Considering the ongoing rainy season, we accept the undertaking which is filed alongwith affidavit in reply, wherein about 12 persons have undertaken to remove encroachment at the end of rainy season. The respondents State Government/

Authorities shall also take decision on the proposal for regularization expeditiously, preferably by the end of October, 2016.

5. In case, those persons who have given undertaking do not remove the encroachment by the end of rainy season, the respondent Authorities shall take steps to remove the same within one month from the end of rainy season.

6. If the proposal for regularization is not decided in the affirmative, then the respondent Authorities shall take action against the said encroachments also.

7. If the steps are not taken by the respondent authorities as observed herein, then the petitioners would have right to agitate and file fresh contempt petition in this regard.

8. Contempt petition is accordingly disposed of. No costs.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

JPC