

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

**WRIT PETITION NO. 10418 OF 2015
WITH
CIVIL APPLICATION 9464 OF 2016**

Adinath Baburao Chede and others

...PETITIONERS

versus

The State of Maharashtra and others

...RESPONDENTS

.....

Mr. V.B. Anjanwatikar, Advocate for petitioners
Mr. B.V. Virdhe, AGP for respondents No. 1 to 4
Mr. A.H. Mahajan, Advocate holding for
Mr. N.V. Gaware, Advocate for respondent No. 4

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

DATED : 2nd AUGUST, 2016.

Order :-

1. We have heard learned counsel for the petitioners.
2. Learned counsel for petitioners submits that resolution No. 6 dated 01-05-2015 of the Gram Panchayat granting permission for acquiring Gut No. 344 admeasuring 78 Hectare, 10 Aar situated at village Mirajgaon, Tal Karjat, is illegal. The said land is forest land, reserved for bird sanctuary and the same cannot be acquired for the purpose of training centre of State Reserve Police Force. Even the 7/12 extract substantiate said fact that the said land is a forest land.
3. Learned Assistant Government Pleader states that as yet land has not been acquired for the training centre. The proposal has been sent by the Collector, Ahmednagar to the Revenue and Forest

Department stating that Gut No. 344 admeasuring 78 Hectare, 10 Aar land reserved as bird sanctuary and till said bird sanctuary is reconstituted or said land is deleted as bird-sanctuary till that time acquisition cannot take place. Said proposal is still pending with the Government. In that case, present petition would be premature.

4. The authority of State has also filed affidavit specifically stating that unless bird sanctuary is relocated from Gut No. 344, land cannot be acquired. In view of that, apprehension of the petitioners would be premature. In case, permission is granted for acquisition of said land then petitioners may assail the same in appropriate proceedings as may be permissible in the law.

5. Writ petition, as such stands disposed of. No costs.

6. In view of disposal of writ petition, nothing further survives for consideration in the civil application and the same stands disposed of.

Sd/-

[K. K. SONAWANE, J.]

Sd/-

[S. V. GANGAPURWALA, J.]

MTK