

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6858 OF 2014

Bajirao Tukaram Vadgaonkar and Others ...Petitioners
vs.
The State of Maharashtra and Others ...Respondents

Mr. Prashant Bhavake, for the Petitioners
Ms. Nisha Mehra, AGP for the Respondent Nos. 1 to 4.

CORAM : SHANTANU S. KEMKAR &
PRAKASH D. NAIK, JJ.

DATE : NOVEMBER 24, 2016

P.C.:

- . Parties through their counsel.
2. The Petitioner claims to be in possession of property i.e. land bearing Gat No. 255, situated at Mouje Shindewadi, Tal. Karvir, Dist. Kolhapur, admeasuring 80 Ares (2 Acre) and Jiggery House shed admeasuring 40 ft x 30 ft.
3. The grievance of the Petitioner is that as the Gram Panchayat tried to disposses the Petitioner, the Petitioner had filed a Civil Suit which was decided vide judgment and decree dated 7th

September, 2012 passed in Regular Civil Suit No. 733 of 2010 by the 11th Joint Civil Judge, Jr. Division, Kolhapur. He submits that the said judgment and decree has attained finality. However, learned counsel for the Petitioners did not dispute that the State was not party in the Civil Suit.

4. It is the case of the Petitioner that the Petitioners had applied for regularization of the said encroachment but their application dated 25th August, 2010 has not been considered and decided by the Collector, Kolhapur as yet. The limited prayer has been made by learned counsel for the Petitioners that this Petition may be disposed of by directing the Collector, Kolhapur to consider the Petitioners' claim for regularization of the encroachment on the said land in accordance with law.

5. Keeping in view the aforesaid limited prayer, we dispose of this Petition by directing the Collector, Kolhapur to decide the Petitioners' claim for regularization of the encroachment in accordance with law, as expeditiously as possible but not later than four months from the date of receipt of copy of this order. Needless to

say that we have not commented upon the merits of the Petitioners' claim and the Collector, Kolhapur to take decision in accordance with the law.

6. The Petition stands disposed of as such.

(PRAKASH D. NAIK, J.)

(SHANTANU S. KEMKAR, J.)