

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10711/2014

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. N. V. Bandiwadekar i/b. Sagar Mane for the petitioner

Ms. Aparna Vatar, AGP for the respondent No.2.

Mr. S. M. Kamble for respondent No.1.

CORAM : K. K. TATED, J.

DATE : AUGUST 30, 2016

P.C.:

1. Heard. The learned counsel for the petitioner filed additional affidavit dated 29.08.2016. Same is taken on record.

2. By this petition under Article 227 of the Constitution of India the Petitioner challenges the order dated 19.08.2014 passed by respondent No.2 rejecting the petitioner's application dated 19.07.2008 for regularization of his possession in respect of OH 10R land from gut No.292 and OH 40R from Gut No.343 at Village Bachani, Tq. Karveer, Dist. Kolhapur.

3. It is the contention of the petitioner that in the second appeal No.263/2006, the petitioner and Grampanchayat filed consent terms dated 04.11.2006. Those consent terms were accepted by this court by order dated 06.03.2007 (Coram : D. B. Bhosale, as he then was). He submits that as per the consent terms, the petitioner made application for regularization of suit property with respondent No.2. Same was rejected, only on the ground that State Government was not a party in the second appeal as well same is “*Gairan*” land.

4. The learned counsel for the petitioner submits that the earlier application dated 13.01.2009 made by them was not filed as per the consent terms in the second appeal. Hence, he seeks permission to file a fresh application for regularization. To that effect, he has filed affidavit dated 29.8.2016 along with proposed application to be filed for regularization with respondent No.2. He further submits that the petitioner undertakes to place on record all documents including a copy of the Consent Terms before the learned Collector, Kolhapur.

4. Considering the submissions made by the learned counsel for the petitioner, additional

affidavit dated 29.08.2016 and the impugned order, I am satisfied that the petitioner has made out a case for following order is passed:

- a. Order cum letter dated 19.08.2014 passed by respondent No.2 is set aside.
- b. The petitioner is permitted to make an application for regularization of the said land within four weeks from today along with all relevant documents.
- c. If application is made within stipulated time as stated hereinabove, the respondent No.2 is directed to decide the same on its own merits as early as possible but in any case within six months.
- d. If application is not made within stipulated time as stated hereinabove, the respondent will be entitled to take appropriate steps for eviction of the petitioner.
- e. Writ Petition stands disposed of accordingly.
- f. The parties to act on an authenticated copy of this order.

JUDGE