

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION (CAO) NO. 269 OF 2016

(Applicant – Sanjay Totaram Jadhao)

IN/AND

PUBLIC INTEREST LITIGATION NO. 41 OF 2015

(Sanjay Totharam Jadhav Vs. District Collector, Buldana & others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P. B. Patil, Advocate for the petitioner.
Shri L. V. Shrikhande, Advocate for the applicant.
Shri S. R. Deshpande, Advocate for the intervenors.
Shri S. D. Malke, Advocate for the intervenors.
Shri M. Pathan, A.G.P. for respondent Nos. 1 to 3.
Shri D. A. Sonwane, Advocate for respondent No.4.

**CORAM : B. R. GAVAI AND
P. N. DESHMUKH, JJ.**

DATED : 11 FEBRUARY, 2016

C.A.O. NO.269/2016 :

The applicant has filed this application for intervention.

The application is allowed.

It is the contention of the applicant in the present application that the houses, which are constructed by them, are on the land bearing survey No.496, which is being cultivated by them. It is, however, submitted that in the event if it is found that the said land on which the houses are constructed by them falls in land survey No.469, the applicant is willing to compensate the State by surrendering equal area of the land owned by them.

It is not in dispute that both the land survey

numbers 469 and 496 are adjacent to each other and the houses constructed by the applicant are on the boundary of these two survey numbers. It is, thus, quite possible that under a bonafide belief that the land belongs to the applicant, the houses are constructed. The construction is on the land ad-measuring 0.11 H.R.

It is stated by the learned A.G.P. that out of survey No.496, an area of 0.8 H.R. is already in possession of the Government. He submitted that, to compensate, an additional 0.3 H.R. of land will be required to be surrendered by the applicant.

The applicant/intervenor has filed an undertaking stating therein that the applicant is willing to surrender total area of 0.11 H.R.

In that view of the matter, we direct the respondent-State to retain an area of 0.8 H.R. from survey No.496 and further direct the applicant to surrender an additional area of 0.3 H.R. in favour of the State Government. We direct the applicants/intervenors to execute surrender deed in favour of the State and on such deed being executed, necessary corrections in the revenue record by which 0.11 H.R. from survey No.469 will be permitted to be retained by the applicant and an area of

0.11 H.R. in survey No.496 will be shown to be owned by the State Government.

P.I.L. NO.41/2015 :

Leave to implead (1) Vilasrao Deshmukh Shikshan Sanstha, Buldana, and (2) Rajiv Gandhi Military School, Kolwad, Tq. & Distt. Buldana as party-respondents.

Necessary amendment be carried out during the course of the day.

Issue notice to the added respondents, returnable on **03/3/2016**.

JUDGE

JUDGE