

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

WRIT PETITION NO.3695 OF 2016

[Vishnu s/o Digambar Waghmare .vs. State of Maharashtra and others]

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

Court's or Judge's orders

Shri M.V. Bute, counsel for the petitioner,
Shri A.M. Joshi, AGP for the respondents.

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CORAM : SMT. VASANTI A. NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATED : JULY 05, 2016.

The petitioner has made the following prayers in the instant petition.

- (1) direct the Respondent no.3, Tahsildar, Deulgaon Raja, not to remove the encroachment of the petitioner on Plot No.272 on which the house of petitioner is standing;
- (2) direct the Respondent no.3, Tahsildar, Deulgaon Raja to exchange the plot No.272 with Plot No.512;
- (3) direct the Respondent no.3, Tahsildar, Deulgaon Raja to remove the encroachments made by the villagers on the plots of rehabilitation area.

On hearing the learned counsel for the parties and on a perusal of the documents annexed to the petition, as also the averments made in the petition, it appears that the directions, as sought by the petitioner, cannot be granted in exercise of the writ jurisdiction. The Tahsildar cannot be directed to remove the encroachments made by the villagers on the plots in rehabilitation area with which the petitioner has not concern. So also, when the petitioner has no right to seek the exchange of plot no.272 with plot no.512, the said relief cannot be granted.

The petitioner cannot seek a direction restraining the respondents from removing the encroachment made by the petitioner on plot no.272, as plot no.272 is acquired by the State Government in the proceedings initiated under the Land Acquisition Act, 1894.

In view of the aforesaid, the writ petition is dismissed, with no order as to costs.

JUDGE

JUDGE

Gulande