

IN THE COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH,

**WRIT PETITION NO. 2161/2016**

(Jai Javan Mazi Sainik Sansthan vs. The 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 order

Mr. R.D. Hajare, Advocate for the petitioner  
Mr. Ambarish Joshi, Assistant Government Pleader for  
Respondent nos. 1 to 4 and 6  
Mr. G.R.Kothari, Adv.h/for Mr V.R.Choudhari, Adv.for Respondent No.2

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

**DATED : 24<sup>th</sup> November, 2016.**

Heard.

By this Writ Petition, the petitioner seeks a declaration that the petitioner-society is entitled to allotment of 'E' class land bearing Survey No. 26/1 admeasuring 4 Hectares.

According to the petitioner-society, the State Government had decided to allot 4 hectare of 'E' class land in Survey No. 26/1 of Mouza Umarkhed to the petitioner-society. It is stated that the petitioner-society made several applications to the respondents since the year 2007 for the allotment of land. It is stated that the respondents have not taken any action on the representations and after the year 2011-12, there is no response whatsoever from the respondents, in the matter of allotment of the land.

The respondent nos.2,3,4 and 6 have filed an affidavit -in-reply. It is stated in the affidavit-in-reply that in view of the

judgment of the Hon'ble Supreme Court, reported in AIR 2011 SC 1123, the Government has passed a resolution dated 12.7.2011 that the 'E' class land should be strictly used for public utility and public purposes under various Government schemes and programmes and the land could not be allotted in favour of a party seeking the same or the encroachment on such land could not be regularised. It is stated that in view of the judgment of the Hon'ble Supreme Court in the case of Jaspal Singh vs. State of Punjab and the Government Resolution dated 12.7.2011, issued in compliance of the directions of the Hon'ble Supreme Court in paragraph 22 of the judgment in the case of Jaspalsingh (supra), the claim of the petitioner cannot be granted.

On a reading of the affidavit-in-reply and on a perusal of the judgment of the Hon'ble Supreme Court reported in AIR 2011 SC 1123 and the Government Resolution dated 12.7.2011, we do not find any fault in the inaction on the part of the State Government in not granting the request made by the petitioner for allotment of 'E' class land. Since the 'E' class land cannot be allotted to a private party as the same is meant for public utility and public purposes, under various Government schemes and programmes, the prayer made by the petitioner cannot be granted.

Since the prayer made by the petitioner is rejected, we dismiss the Writ Petition, with no order as to costs.

**JUDGE**

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