

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
CIVIL APPLICATION (O) NO.1209/2016

IN

PUBLIC INTEREST LITIGATION NO. 41/2015

(Sanjay s/o Totaram Jadhao vs. The District Collector, Buldana and others)

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

Court's or Judge's order

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Mr. P.B. Patil, Advocate for the petitioner
Mr. M.K.Pathan, Assistant Government Pleader
for Respondent Nos .1 to 3
Mr. R.J.Kankale, Advocate for Respondent No.5
(Mr S.D. Malke, Advocate for Intervenor)

**CORAM : B.R. GAVAI &
V.M. DESHPANDE, JJ.**

DATED : 20th October, 2016.

Heard.

The instant Civil Application was filed by the original respondent no.5 seeking a direction to the Collector, Buldana and Tahlsidar, Buldana, to retain the area of land earmarked as "PQRS" of Survey No. 469 of Mouza Kolwad by accepting the surrender-deed in favour of the State to the extent of equal area from Survey no.466 of the same survey owned by the respondent no.5-Society.

Vide our order dated 21st July, 2016 we had directed the Tahsildar to consider the grievance of the petitioner as raised in the Civil Application.

Accordingly, a communication is placed on record by the learned Assistant Government Pleader addressed by the

Collector, Buldana dated 15th October 2016. Perusal of the said communication would reveal that the Deputy Superintendent of Land Records, Buldana has done a spot inspection and measurement and found that if the land encroached upon by the respondent no.5 and 6 on Survey No. 469 is permitted to be retained by the society in lieu of the land admeasuring the same area of Survey no.467, no inconvenience would be caused to anyone.

It is further to be noted that the lands are adjoining and may be under a bona fide belief. Considering the said land to be their own land, the society had made construction on the government land. In any case, in lieu of the said the society is willing to surrender the equal portion of the land in the adjoining Survey number.

We find that such a proposal would be in the interest of the respondent nos. 5 and 6 so also the State, inasmuch as both of them will be retaining the land in continuity.

We, therefore, direct the Collector, Buldana and Tahsildar Buldana, to permit the respondent nos.5 and 6 to retain the land in Survey No. 469, in lieu of the land admeasuring the same area in Survey no.467 being surrendered by the respondent nos.5 and 6 in favour of the State Government. Necessary document in that regard be executed within a period of four weeks from today.

Civil Application stands disposed of.

JUDGE

JUDGE