

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

WRIT PETITION NO.6066 OF 2016

[Vishnu Lalukha Bhosale .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 orders

Shri S.D. Chande, Advocate for the petitioner,
 Mrs. B.H. Dangre, Government Pleader for the respondents.

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**CORAM : DR. MANJULA CHELLUR, C.J. AND
 B.P. DHARMADHIKARI, J.**

DATED : OCTOBER 18, 2016.

P.C.:

Mrs. B.H. Dangre, learned Government Pleader,
 takes notice on behalf of the respondents.

The petitioner's grievance is that though he is entitled for grant of 2.00 H.R. of revenue land as Ex-serviceman and in spite of application being pending from 2011 onwards, the authorities concerned are not granting 2.00 H.R. entitled land from Gat No.13 of village Shendurjana (More), Tahsil - Mangrulpir, District - Washim and on the other hand, they orally informed that they cannot grant the land in question to the writ petitioner.

Learned Government Pleader submits that the land in question for which the writ petitioner made application is categorized as gairan land meant for entire village for grazing the cattle. Therefore, in terms of Notification issued in the year 2011 by the State of Maharashtra and also in the light of observations of Apex Court made in the case of Jagpal Singh and others .vs. State of Punjab and others, reported in AIR 2011 SC 1123, the

writ petition cannot be entertained.

Having considered the respective contentions and in the light of denial of the writ petitioner to have revenue land as Ex-serviceman if the land in question cannot be granted to the writ petitioner, there is possibility of grant of some other land suitable for cultivation, if the writ petitioner is entitled to have grant as Ex-serviceman and which is able to satisfy other criterion for securing such land. It is pertinent to mention that no objection of Gram Panchayat to grant gairan land cannot be a ground to assess the petitioner to secure such land by way of grant in the light of Circular of the Government and the observations of the Apex Court.

Accordingly, the writ petition is disposed of by directing the respondent-authorities to consider the application of the writ petitioner and do the needful strictly adhering to the procedure contemplated if the writ petitioner satisfies the criterion to get such land. The said exercise has to be completed within three months from today.

CHIEF JUSTICE

B.P. DHARMADHIKARI, J