

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

PUBLIC INTEREST LITIGATION NO. 47 OF 2016

SHIRISH RAMCHANDRA GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Shri A.N.Nagargoje h/f Shri Panpatte V.S.
AGP for Respondents/ State : Shri S.G.Karlekar.
Advocate for Respondent 6 : Shri Karpe Rahul R..

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**CORAM: S.C. DHARMADHIKARI
AND
SANGITRAO S. PATIL, JJ.**

DATE :- 20th July, 2017

PC.:

1 We have heard the learned Advocate appearing for the PIL
Petitioner.

2 Evidently, the PIL Petitioner represents Bodhisatva
Dr.Babasaheb Ambedkar Smarak Samiti, Rahuri, District Ahmednagar. In
fact, he is the Vice President of the said Society.

3 A piece of land numbered as Survey No.42 admeasuring 40 R
has been earmarked for use as hostel by the Backward Class Society. The
Institute was desirous of developing this property in terms of this
designation or earmarking. However, it could not obtain possession of the
land as there were terms and conditions to be complied with. The
Petitioner, on instructions, states that it is the Society which will pursue

the cause of allotment and challenge any adverse action in that regard. That is private interest and need not be examined.

4 The Petitioner is only concerned with some encroachment on this land and if this encroachment is not removed, that will endanger and jeopardize public interest. In the sense, public property is encroached and the encroachers being encouraged, does not sub-serve larger public interest, is the complaint.

5 In such circumstances and when some communications from the Gram Panchayat are relied upon, we direct the District Collector, Ahmednagar to take requisite steps. The District Collector or Additional Collector through the Tahasildar shall cause an inspection with proper arrangement and draw up a panchanama along with a map. Let the encroachers be identified and thereafter, necessary steps in accordance with law to remove encroachment on the said land be taken. Since the encroachment is on the Government land, Section 50 of the Maharashtra Land Revenue Code, 1966 can be resorted to by the Authorities.

6 The Public Interest Litigation is disposed of with these directions. The amount deposited by the Petitioner be handed over to the High Court Legal Services Sub Committee, Aurangabad Bench, Aurangabad.