

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

**REVIEW APPLICATION NO. 122 OF 2014
IN
WRIT PETITION NO. 7207 OF 2013**

Pandurang Somaji Magar & another Applicant.

Versus

The State of Maharashtra and others Respondents.

None for the review applicant.

Smt. V.S. Chaudhary, A.G.P. for State.

Mr. A.A. Yadkikar, Advocate for respondent Nos.4 and 7.

**CORAM : RAVINDRA V. GHUGE
AND
SUNIL K. KOTWAL, JJ.**

Dated : 10-11-2017.

PER COURT :-

1. This matter was adjourned at the request of the applicant on 03.11.2017 and was posted today as a last chance.

2. None appears for the applicant/review petitioner.

3. We have considered the order dated 24.02.2014 passed in Writ Petition No. 7207 of 2013.

4. We find that the original petitioners had approached this Court praying for removal of encroachment on the Gairan land. Since the State Authorities were turning a blind eye to the encroachment, the petitioners had approached us.

5. While considering the Petition, we have directed the Competent Authorities to take such steps as are permissible in law and remove encroachment on the Gairan land keeping in view the law laid down by the Hon'ble Apex Court. We have also observed that it is a well settled policy of the Government that, save and except in special/exceptional circumstances, no encroachment on the Gairan land can be permitted. We have also observed that the steps as are permissible in law should be adopted by the Competent Authorities for removal of the encroachment keeping in view the Government Resolution dated 12.07.2011.

6. We have gone through the memo of the Review Petition and we have considered the grounds formulated for the review petitioner.

7. Considering the fact that the Competent Authority was directed to follow the procedure laid down in law and considering the issue of encroachment as observed above, we do not find that the said order suffers from any error apparent on the face of the record.

8. As such, this Review Petition being devoid of merit, is therefore dismissed.

(SUNIL K. KOTWAL)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE